

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Website address [www.dir.ca.gov/oshsb](http://www.dir.ca.gov/oshsb)**Walking-Working Surfaces Article 2.  
General Industry Safety Orders  
Article 2 Fall Protection****Advisory Committee Meeting Minutes  
October 8-9, 2024****Division of Occupational Safety and Health  
800 Royal Oaks Dr, Suite 105  
Monrovia, CA 91016****<https://videobookcase.org/oshsb/2024-10-8-9/>****Chair**

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**Participants**

<b>Participants</b>	<b>Organization</b>
Paul Andersen	OSHA Compliance Services
Kevin Bland	Ogletree, Deakins, Nash, Smoak & Stuart, P.C.
Stefan Bright	International Window Cleaning Association (IWCA)
Olaf Borgstrom	CS Caulkins Co. Inc.

<b>Participants</b>	<b>Organization</b>
Tom Cardenas	CS Caulkins Co Inc.
Jamie Carlile	Southern California Edison
Jody Castro	International Brotherhood of Electrical Workers (IBEW)
Jon Clausen	Coreslab Structures Inc.
Victor Copeland	Cal/OSHA
Jason Denning	Cal/OSHA
Michael Donlon	MD Safety Service
Rinaldo Edmonson	Marathon Petroleum
Andrew Emmons	Principal, Investigative Engineering
Derek Engard	US Dept of Labor - OSHA
JD Friend	Operating Engineers
Randy Girouard	SoLa Structural Engineering
Michael Hall	Pacific Maritime Association
Cassie Hilaski	Nibbi Brothers General Contractors
Roger Isom	California Cotton Ginner & Growers Association
Steve Johnson	Associated Roofing Contractors of the Bay Area Counties
Anne Katten	California Rural Legal Assistance Foundation
Thomas Kramer	LJB Inc
Brian Landis	Dept of General Services, Facilities Management Division
Julie Lavezzari	State Compensation Insurance Fund
George Lawson	Cotterman Company
Dan Leacox	Leacox & Associates
Raymond Mann	3M
Rachel Mcclelland	Dept of General Services - Environmental Health and Safety
Larry McCune	Cal/OSHA

<b>Participants</b>	<b>Organization</b>
Jason Moore	CS Caulkins Co. Inc.
Jason Myers	CS Caulkins Co. Inc.
Spencer Price	Cal/OSHA
Carlos Serrano	Lamar Advertising Company
Gwenyth Searer	Wiss, Janney, Elstner Associates Inc
Andrew Siersema	McClone Construction
Greg Small	Elevated Insight & Engineering Ltd
Ethan Stonecipher	IBEW
Gregg Tinker	Tower Safety Services
Chris Vanover	3M
Bruce Wick	Housing Contractors of California
Yancy Yap	Cal OSHA

### **Summary of Rulemaking Topic**

This is the fifth meeting to review and discuss the proposed changes to the General Industry Safety Orders, Article 2. California must be at least as effective as the Federal Walking-Working Surfaces standard, which was published in the Federal Register on November 18, 2016.

### **Announcements**

#### **Section 3210, Guardrails and Fall Protection at Elevated Locations**

**Maryrose Chan, OSHSB:** Federal OSHA requested that OSHSB review exceptions 1-13 within section 3210, Guardrails and Fall Protection at Elevated Locations (page 16 of the discussion draft). OSHSB researched the exceptions, which will be discussed in detail with the committee members at a separate meeting.

#### **Ballasted Guardrails ANSI Standard**

**Thomas Kramer, LJB Inc, ANZI 359 Committee Member:** The ANSI Standard for ballasted guardrails has been drafted and is under consideration. The ANSI Standard will be balloted. The published standard will be incorporated in ANSI (A)(12)64.4. The published date will be provided to the Walking Work Surfaces Advisory Committee when available.

## Calculating Fall Clearance Technical Report

**Thomas Kramer, LJB Inc, ANZI 359 Committee Member:** The ANSI Z359 Committee is developing a technical report that will assist the end user in accurately calculating fall clearance. The technical report will consist of common visual examples and detailed fall clearance calculation steps for the end user. The ANSI 359 committee will have an initial draft by the end of 2024.

## **Economic & Fiscal Impact/ Request for Cost Information**

The advisory committee participants will provide written economic impacts to the Chair.

## **Discussion**

### **Section 3209. Standard Guardrails and Toeboards**

#### **1. What is the appropriate maximum length and width of top and mid rails?**

##### **a. Proposed Text**

(a) ~~(b)~~ A standard guardrail shall consist of top rail, midrail or equivalent protection and posts and shall have a vertical height within the range of 42 inches to 45 inches from the upper surface of the top rail to the floor, ~~platform, runway or ramp level~~ walking-working surface. ~~(Note: the permissible tolerance in height dimensions is one inch). See Figure 3209-1. The top rail shall be smooth surfaced throughout the length of the railing. The midrail shall be approximately halfway between the top rail and the floor, platform, runway or ramp. The ends of the rails shall not overhang the terminal posts, except where such overhang does not constitute a projection hazard. (Title 24, Part 2, Section 2-1716(a)). [Smoothness of the rail is addressed in (d) and midrail is moved to (b)(1)]~~

(A) The midrail shall be approximately halfway (within 1 inch tolerance) between the upper surface of the top rail and the walking-working surface; [§1910.29(b)(2)(i)]

(B) Screens and mesh shall extend from the walking-working surface to the top rail and along the entire opening between top rail supports; [§1910.29(b)(2)(ii)]

(C) Intermediate vertical members (such as balusters) shall be installed so that openings are not more than 19 inches wide. [§1910.29(b)(2)(iii)]

(D) A parapet shall be at least 21 inches high.

(D) (E) Other equivalent intermediate members (such as additional midrails and architectural panels) shall be installed so that the openings are not more than 19 inches wide. [§1910.29 (b)(2)(iv)]

##### **b. Proposed Amendments**

**Jason Denning, Cal OSHA:** Strike “within the range” & to 45. Add “not less than”. Amend section 3209(a)(b)(1)(A) to state, “Top rails and mid rails shall be installed so that the openings between them are not more than 21 inches.”

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Strike “openings” & “wide” from subsections (B) and (D). Add “wide & spaces between members”.

**Jason Denning, Cal OSHA:** The Division prefers “openings” to remain in subsections (B) and (D).

**Gwenyth Searer, Wiss, Janney, Elstner Associates Inc:** Strike all revisions to subsections (B) and (D).

**Michael Donlon, MD Safety Service:** Add “workers shall not climb on the guardrail system.”

c. Comments

**Greg Tinker, Tower Safety Service:** A guardrail that is too high may pose a hazard. Eliminating the upper height limitation may cause workplace hazards.

**Michael Donlon, MD Safety Service:** Workers can look through the 21-inch openings to prevent workplace hazards.

**Steve Johnson, Associated Roofing Contractors of the Bay Area Counties:** The midrail and top rails should have the same 42 to 45 inches range.

**Jason Moore, C.S. Caulkins Co Inc.:** Article 6 section 3294 has an 18-inch rule to prevent workers from looking or leaning over the edge.

**Jason Denning, Cal OSHA:** The Federal Regulations require 19 inches between midrails, so the proposed text's 21 inches may conflict.

**Steve Johnson, Associated Roofing Contractors of the Bay Area Counties:** The federal requirement for top rails is 39 to 45 inches, so the proposed text's 42 to 45 inches may conflict.

**Maryrose Chan, OSHSB:** After the proposed language is finalized, the Board will converse with the Federal OSHA.

**Gwenyth Searer, Wiss, Janney, Elstner Associates Inc:** Top and mid rails openings should be 21 inches to align with the California Building Code. The federal language should be referenced for subsections (B) and (D).

**George Lawson, Cotterman Company:** Subsection (D) “Additional midrails” is a reference to when vertical members do not extend to the top rail.

**Cassie Hilaski, Nibbi:** A maximum distance between the midrails should be in the proposed language.

**Greg Tinker, Tower Safety Service:** Workers should not be allowed to look between the midrails; doing so would pose a hazard. The proposed language should include an upper maximum limit.

**Steve Johnson, Associated Roofing Contractors of the Bay Area Counties:** A mesh or visual barrier would incentivize workers to climb or look over the railing. An open railing would not.

**Outcome:** The proposed text will be amended.

**Action Item:** The Chair will review all proposed amendments and strikethroughs. OSHSB will confirm the proposed language with Federal OSHA.

2. Should section 3209(c) be relocated to Appendix A? Is the correct section referenced in proposed subsection(c)?
  - a. Proposed Text  
(c) The following are some acceptable guardrail specifications: other combinations will be accepted as long as equivalent strength and protection are maintained as required in section 3209(c). See Figure 3209-2 [Evaluate moving to Appendix A to Section 3209 and revise text.]

- b. Proposed Amendments  
**Jason Denning, Cal OSHA:** Subsection 3209(c) only references strength. Amend subsection(c) to state “as required in section 3209”.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Strike “section 3209” from subsection(c). (Consensus from Cal OSHA)

- c. Comments  
**Maryrose Chan, OSHSB:** Subsection 3209(c) will not be relocated to Appendix A.

**Jason Denning, Cal OSHA:** Subsection 3209(c) only references strength.

**Outcome:** Subsection 3209(c) will not be relocated to Appendix A. The text was renumbered to subsection(i).

**Action Item:** None

### **Section 3210 Guardrails and Fall Protection at Elevated Locations**

3. Review section 3210.1(c) for consensus.

- a. Proposed text

(c) Where the guardrail requirements of subsections (a) and (b) are infeasible due to machinery requirements or work processes and the exceptions to 3210(a) and 3210(b) do not apply, employees shall be protected from falls by covers, safety net systems or personal fall protection systems.

- b. Proposed Amendments

**None**

- c. Comments

**None**

**Outcome:** Affirmed

**Action Item:** None

4. Is the cross-reference concerning additional requirements for ladder safety systems in section 3210.1(a)(1) valid?

- a. Proposed Text

(1) For additional requirements for ladder safety systems, see section 3277 for Fixed Ladders.

- b. Proposed Amendments

**None**

- c. Comments

**None**

**Outcome:** Affirmed

**Action Item:** None

5. Does section 3210.1(c)(14) reflect that the supervision of a competent person is not continuously required on-site?

- a. Proposed Text

(14) Anchorage and anchorage connectors shall be capable of supporting at least 5,000 pounds for each employee attached, or designed and installed under the supervision of a qualified person as part of a complete personal fall protection system that maintains a factor of safety of at least two. Anchorage and anchorage connectors shall be used under the supervision of competent person.

- b. Proposed Amendments

**Thomas Kramer, LJB Inc:** Remove “of competent person” from the proposed text.

c. Comments

**Micheal Donlan, MD Safety Service:** The proposed text, as written, requires the competent person to be on-site continuously.

**Maryrose Chan, OSHSB:** The proposed text reflects the Federal standard.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Consider including the Board's interpretation of "under the supervision of a competent person" in the final statement of reasons.

**Outcome:** The proposed language will be reviewed by the Chair.

**Action Item:** The Chair will provide clarification to the Committee.

6. Does the exception within section 3210.1(d)(1)(A)5. reflect that prior and current ANSI-approved equipment meets the standard?

a. Proposed Text

EXCEPTION: All personal fall restraint and positioning device systems meeting the latest ANSI/ASSP Z359 edition when manufactured will be deemed as meeting the standard.

b. Proposed Amendments

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C:** Change the proposed text to, "All personal fall restraint and positioning device systems shall meet the latest ANSI/ASSP Z359 edition that was/is in place manufactured will be deemed as meeting this standard."

**Dan Leacox, Leacox & Associates:** Add "applicable" in front of ANSI/ASSP Z359 edition

**Gwenyth Searer, Wiss, Janney, Elstner Associates Inc:** Add "in effect when the equipment was" after ANSI/ASSP Z359 edition.

**Ruth Ibarra, OSHSB:** Amend will be deemed to "is deemed."

**Jason Denning, Cal OSHA:** Amend will be deemed to "are deemed."

c. Comments

**Bruce Wick, Housing Contractors of California:** Adding "applicable" removes the intent of the manufactured date.

**Chris Vanover, 3M:** “Applicable” works in the context of the exception because not all equipment has an ANSI Standard.

**Outcome:** The proposed language will be reviewed by the Chair.

**Action Item:** The Chair will revise the exception.

7. Review section 3210.1(d)(1)(A)6. for consensus.

a. Proposed Text

6. For employees that are outside of the ANSI/ASSP Z359 user capacity range (130 pounds to 310 pounds), the employer shall provide and ensure employees use appropriately rated personal fall protection products.

b. Proposed Amendments

**Greg Tinker, Tower Safety Services:** Amend “outside of the ANSI/ASSP Z359 user capacity range” to “exceeds the ANSI/ASSP Z359 user capacity range”.

**Raymond Mann, 3M:** Amend “130 pounds” to “110 pounds”.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C:** Add “for example” in front of 110 pounds.

**Chris Vanover, 3M:** Add “or systems” after products.

**Gwenyth Searer, Wiss, Janney, Elstner Associates Inc:** Add “weight” after user capacity.

**Jason Denning, Cal OSHA:** Remove (110 pounds to 310 pounds) and Change fall protection products to “fall protection systems”.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C:** Revise the proposed language to state “user weight capacity”.

**Ruth Ibarra, OSHSB:** Change that to “who”.

c. Comments

**Raymond Mann, 3M:** The ANSI Standard has changed.

**Chris Vanover, 3M:** Adding “or systems” will ensure that all equipment is compatible.

**Bruce Wick, Housing Contractors of California:** Including 110 to 310 pounds is beneficial.

**Outcome:** The proposed language will be reviewed and amended.

**Action Item:** The Chair will revise the text and add a note referencing the current weight capacity range.

**Section 3210.2. Falling Object Protection**

8. Should section 3209(i) toe boards be relocated to section 3210.2. Falling Object Protection?

a. Proposed Text

Refer to page 46 of the discussion draft

b. Proposed Amendments

**None**

c. Comments

**Michael Donlon, MD Safety Service:** Relocating section 3209(i) toe boards to 3210.4. Falling Object Protection is valid.

**Greg Tinker, Tower Safety Services:** If the text is relocated, add a reference note in section 3209.

**Outcome:** Section 3209 will be relocated to section 3210.2.

**Action Item:** The Chair will relocate section 3209 to section 3210.2.

9. Does section 3210.2(a) account for all hazardous work circumstances requiring a toe board?

a. Proposed Text

(a) The employer shall protect employees from falling objects by implementing one or more of the following:

b. Proposed Amendments

**Micheal Donlan, MD Safety Service:** Add “at locations where employees are passing through or working below.”

**Jason Moore, C.S. Caulkins Co. Inc.:** Amend “are passing through” to “could pass through”

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Amend the text to state, “where employees pass through or work below”.

**Andrew Siersema, McClone Construction:** Amend text to state, “where employees are required to pass through or work below”.

**Jason Denning, Cal OSHA:** Amend text to state, “The employer shall protect employees **“where there is a hazard”** from falling objects ~~“at locations where employees pass through or work below”~~ by implementing one or more of the following:

c. Comments

**Jason Moore, C.S. Caulkins Co. Inc.:** Amending “are passing through” to “could pass through” will prevent administrative personnel from utilizing protective equipment.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Amending the text to include “could” is too broad.

**Jason Denning, Cal OSHA:** The division disagrees with modifying the text to account for mishandled administrative control errors.

**Micheal Donlon, MD Safety Service:** The drafted language is sufficient for general industry.

**Outcome:** During the AC, the proposed language was amended. The following text was affirmed:

The employer shall protect employees **“where there is a hazard”** from falling objects by implementing one or more of the following:

**Action Item:** None

**10.** Does section 3210.2(a)(1)(A), as written, protect employees from the hazard of failing objects?

a. Proposed Text

(A)Where tools, equipment or materials are piled higher than the top of the toeboard~~“and are sufficiently close to pose a hazard of failing”~~, paneling or screening shall be installed from the toeboard to the midrail of the guardrail system and for a length that is sufficient to protect employees below. If the items are piled higher than the midrail, the employer also shall install paneling or screening to the top rail and for a length that is sufficient to protect employees below; and  
[§1910.29(k)(2)(i)]

b. Proposed Amendments

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Delete the last sentence from the proposed text.

**Cassie Hilaski, Nibbi Brothers General Contractors:** Add a 1:1 ratio referencing the object's height to the edge.

**Gwenyth Searer, Wiss, Janney, Elstner Associates Inc:** Amend the first sentence to state, top of the toeboard “and are sufficiently close to pose a hazard of failing”. Amend the second sentence to state paneling or screening “from the midrail.”

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Add, “Where materials are stored at a distance from the edge equal to or greater than the height of the stored materials, employees below are considered protected from the stored materials.”

**Michael Donlon, MD Safety Service:** Strike ~~“are sufficiently close to”~~.

**MD Safety Service, Housing Contractors of California, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Consensus to not add a 1:1 ratio referencing the object's height to the edge.

c. Comments

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** The proposed text should account for the distance from the edge of the material piled.

**Maryrose Chan, OSHSB:** The distance from the edge of the material piled is included in conducted assessments.

**Jason Denning, Cal OSHA:** Section 3210.2(a) accounts for the distance from the edge of the material piled.

**Maryrose Chan, OSHSB:** The proposed text intends to prevent objects from falling over the midrail.

**Jason Denning, Cal OSHA:** Adding the language **“sufficiently close”** is vague.

**Rinaldo Edmonson, Safety Compliance:** “Stored” should not be used to identify hazardous materials.

**MD Safety Service, Housing Contractors of California, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Consensus to not add a 1:1 ratio referencing the object's height to the edge.

**Outcome:** During the AC, the proposed language was amended. The following text was affirmed:

(A)Where tools, equipment or materials are piled higher than the top of the toeboard“and pose a hazard of failing”, paneling or screening shall be installed from the toeboard to the midrail of the guardrail system and for a length that is sufficient to protect employees below. If the items are piled higher than the midrail,

the employer also shall install paneling or screening to the top rail and for a length that is sufficient to protect employees below; and [§1910.29(k)(2)(i)]

**Action Item:** None

**11. Review section 3210.2(a)(1)(B) and (C) for consensus.**

**a. Proposed Text**

(B) All openings of paneling or screens on guardrail systems shall be small enough to prevent piled objects from falling through the opening. [§1910.29(k)(2)(ii)]

(C) Where toeboards, ~~“paneling or screens”~~ are required, they shall be constructed of wood, concrete, metal, or other suitable material. Where constructed of metal grille, mesh shall not exceed 1-inch. The top of the toeboard shall be not less than 3 1/2 inches above the platform, walkway, or other working level and the bottom clearance shall not exceed 1/4-inch. [Moved from 3209(d)]

**b. Proposed Amendments**

**Greg Tinker, Tower Safety Services:** Strike the word **“piled”** from the text.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Delete subsection (B). Add “paneling or screens” to subsection (C).

**Cassie Hilaski, Nibbi Brothers General Contractors:** Add “mesh” to subsection (C) or separate the subsections. (Consensus from MD Safety Services & Ogletree, Deakins, Nash, Smoak & Stuart, P.C.)

**c. Comments**

**Greg Tinker, Tower Safety Service:** “Piled” does not describe all objects that may fall through an opening.

**Michael Donlon, MD Safety Service:** The proposed text focuses on preventing piled objects from falling through an opening.

**Greg Tinker, Tower Safety Service:** 1-inch may not be sufficient. Objects may be smaller.

**JD Friend, Operating Engineers:** Federal Rule 1910.29 K (2)ii does not specifically state “shall not exceed 1-inch.”

**Maryrose Chan, OSHSB:** 1-inch was deemed by the Feds as sufficient for a toe board mesh size.

**Outcome:** During the AC, the proposed language was amended. Subsections (B) and (C) will remain two separate clauses. The following text was affirmed:

(B) All openings of paneling or screens on guardrail systems shall not exceed 1-inch.  
[§1910.29(k)(2)(ii)]

Section 3210.1(a)(1)(C) will be revised and relocated.

**Action Item:** None

### **Section 3210.3 Fall Protection Training Requirements**

**12.** Review section 3210.3(c)(2) for consensus.

a. Proposed text

(c) The employer shall ensure that the competent person (fall protection) is knowledgeable on the following topics:  
(2) Applicable general industry regulations regarding fall protection;

b. Proposed Amendments

**Greg Tinker, Tower Safety Service:** Add **“manufacturer’s instructions”** to section 3210.3(c)(2).

c. Comments

**Thomas Kramer, LJB Inc:** The ANSI Z359 Committee is discussing creating a digital version of the manufacturer's instructions.

**Outcome:** Tower Safety Service withdrew the proposed amendment. The text will remain as written.

**Action Item:** None

**13.** Review section 3210.3(c)(3) for consensus.

a. Proposed text

(c) The employer shall ensure that the competent person (fall protection) is knowledgeable on the following topics:  
(3) Worksite procedures for installing, inspecting, operating, maintaining, storage, and disassembling the personal fall protection systems that the employee uses;  
[1910.30(a)(iii)]

b. Proposed Amendments

**Thomas Kramer, LJB Inc:** Strike **“the personal”** from subsection 3210.3(c)(3). Add **“and the hierarchy of controls”** to subsection 3210.3(c)(3).

**Yancey Yap, Cal OSHA:** Strike “operating”. Add **“using”**.

**Jason Denning, Cal OSHA:** List **“operating and using”** in subsection 3210.3(c)(3).

c. Comments

**Chris Vanover, 3M:** The instructions for use will indicate training requirements.

**Outcome:** The proposed amendments and strikethroughs will be considered.

**Action Item:** The Chair will amend the proposed text.

14. Review section 3210.3(c)(4) through (9) for consensus.

a. Proposed text

(c) The employer shall ensure that the competent person (fall protection) is knowledgeable on the following topics:

(4) Passive systems used at the worksite;

(5) If applicable, administrative controls used in specific workplace situations;

(6) Fall protection system components.

(7) Positioning systems used at the workplace;

(8) Procedures for rescue emergency response; and

b. Proposed Amendments

**Jason Denning, Cal OSHA:** Add **“fall protection”** to subsection (4).

**Yancy Yap, Cal OSHA:** Strike subsection (4).

**Thomas Krammer, LJB Inc:** Add **“anchorages and”** to subsection (6).

**Chris Vanover:** Strike **“anchorages and”** within subsection (6). Strike **“used at the workplace”** within subsection (5). (Consensus from Cal OSHA)

**Micheal Donlon, MD Safety Service:** Add **“and restraint”** to subsection (7).

**Maryrose Chan, OSHSB:** Strike within subsection (7).

**Maryrose Chan, OSHSB:** Strike **emergency response** within subsection (8).

**Jason Denning, Cal OSHA:** Include testing in the list.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Add **“at the workplace”** to subsection (5).

c. Comments

**Chris Vanover, 3M:** Fall protection systems encompass all components.

**Kevin Bland:** “Emergency response” within subsection (8) is too broad.

**Micheal Donlon, MD Safety Service:** Define active and passive systems.  
(Consensus from Safety Compliance)

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** The regulations for training should be broad. The employer will determine the specific training procedures.

**Raymond Mann, 3M:** Manufacturers mandate testing. Any testing requirements added to the regulations must be worded distinctly.

**Randy Girouard, SoLa Structural Engineering:** There are no current regulation requirements for testing.

**Greg Tinker, Tower Safety Services:** Subsections (4) through (6) are too specific and will vary based on the employer.

**Jason Denning, Cal OSHA:** Consider adding common examples to subsections (5) for the employer.

**Michael Donlon, MD Safety Service:** “Used at the workplace” in subsections (4) and (5) does not apply to the competent person. The language is too specific. (Consensus from 3M)

**Outcome:** Strikethroughs were accepted.

**Action Item:** The Chair will renumber the proposed text to correspond to the accepted strikethroughs.

**15.** Review section 3210.3(c)(1) for consensus.

a. Proposed text

(c) The employer shall ensure that the competent person (fall protection) is knowledgeable on the following topics:  
(1) The nature of the fall hazards in the work area and how to recognize them;  
[1910.30(a)(3)(i) Fall hazard identification]

b. Proposed Amendments

**None**

c. Comments

**None**

**Outcome:** Affirmed

**Action Item:** None

**16.** Does section 3210.3(d)(1) accurately document personal fall protection training usage for employees?

a. Proposed text

(d) Employees exposed to fall hazards shall be trained on:  
(1) Fall hazard identification

b. Proposed Amendments

**Michael Donlon, MD Safety Service:** Amend subsection 3210.3 9(d) to “Employees exposed to unprotected” fall hazards shall be trained on:

**Greg Tinker, Tower Safety Services:** Amend subsection 3210.3 9(d) to “Employees exposed to fall hazards shall be trained as needed on the following:

**Thomas Kramer, LJB INC:** Amend subsection 3210.3 9(d)(1) to Fall hazard identification “recognition” (Consensus from Cal/OSHA)

**Amalia Neidhardt, OSHAB:** Amend subsection 3210.3 9(d)(1) to “The nature of the fall hazards in the work area and how to recognize them; Fall hazard identification.”

**Jason Denning, Cal OSHA:** Strike “~~unprotected~~” from subsection 3210.3 9(d).

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Replace subsection 3210.3 9(d) with Federal OSHA 1910.30(a)(1).

c. Comments

**Michael Donlon, MD Safety Service:** Subsection 3210.3 9(d) implies that training is required when a guardrail is present.

**Yancy Yap, Cal OSHA:** Certain industrial work environments have removal guardrails, training would be beneficial.

**Chris Vanover, 3M:** As written, the proposed text is beneficial. The text should include all work environments. Training should be provided if the employee is exposed to a work hazard. (Consensus from Cal OSHA)

**Michael Donlon, MD Safety Service:** The proposed language applies to various work environments. The proposed text should not specifically focus on industrial work environments. (Consensus from Ogletree, Deakins, Nash, Smoak & Stuart, P.C., and Housing Contractors of California)

**Jason Denning, Cal OSHA;** Amending subsection 3210.3 9(d) to “Employees exposed to unprotected” is less preemptive.

**Michael Donlon, MD Safety Service:** “Unprotected” is necessary language to add subsection 3210.3 9(d)

**Outcome:** The proposed language will be reviewed and amended.

**Action Item:** The Chair will amend the proposed text.

**17. Review section 3210.3(d)(2) through (4) for consensus.**

**a. Proposed text**

~~(2) The procedures for ensuring the use of fall protection in accordance with section 3203.~~

~~(3) Pre-use inspection of personal fall protection equipment~~

~~(4) Harness donning and inspection~~

**b. Proposed Amendments**

**Maryrose, OSHSB:** Strike subsection 3210.3(d)(2).

**Amalia Neidhardt, OSHSB:** Consider Federal OSHA 1910.30(A)(3)(ii) **“The procedures to be followed to minimize those hazards”** for section 3210.3(d)(2).

**Greg Tinker, Tower Safety Services:** Add **“as per manufacturer’s procedures”** to subsection 3210.3(d)(3).

**Jason Denning, Cal OSHA:** Strike **“Pre-use”** from subsection 3210.3(d)(3).

**Maryrose, OSHSB:** Strike subsection 3210.3(d)(4).

**Rinaldo Edmerson, Safety Compliance:** **“Pre-use”** should remain in subsection 3210.3(d)(3). (Consensus from 3M)

**c. Comments**

**Maryrose Chan, OSHSB:** Federal OSHA 1910.30(A)(3)(ii) is too broad. The training procedures are listed to minimize the hazard.

**Chris Vanover, 3M:** It is not necessary to add **“as per manufacturer’s procedures”** to subsection 3210.3(d)(3). The manufacturer’s procedures are implied. (Consensus from Associated Roofing Contractors of the Bay Area Counties)

**Maryrose Chan, OSHSB:** Subsection 3210.3(d)(4) is redundant.

**Chris Vanover, 3M:** **“Pre-use”** aligns with Cal OSHA requirements.

**Jason Denning, Cal OSHA:** Deleting “Pre-use” broadens the proposed text. There are various types of inspections. (Consensus from Ogletree, Deakins, Nash, Smoak & Stuart, P.C.)

**Outcome:** Section 3210.3(d)(2) and (4) were removed from the proposed language. Section 3210.3(d)(3) was amended to (3) Inspection of personal fall protection equipment

**Action Item:** None

**18.** Review section 3210.3(d)(5) and (6) for consensus.

a. Proposed text

(d) Employees exposed to fall hazards shall be trained on:  
(5) Worksite procedures for the use of personal fall protection including , but not limited to, proper assembly, disassembly, connection, anchoring, and tie-off techniques, and methods of equipment inspection and storage, as specified by the manufacturer. [1910.130(a)(3)(iv)]  
(6) Procedures for rescue

b. Proposed Amendments

**Thomas Kramer, LJB Inc:** Strike “~~assembly, disassembly, connection.~~” Amend language to “rigging and methods of equipment, inspection and storage”.

**Randy Girouard, SoLa Structural Engineering:** Amend subsection (d)(5) to state personal fall protection “systems and or equipment.”

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.):** Strike section 3210.3(d)(5) Amend to “The correct use of personal fall protection systems and equipment, and methods of equipment inspection and storage at the workplace.” (Consensus from MD Safety Service)

**Amalia Neidhardt, OSHSB:** Amend section 3210.3(d)(6) to “Rescue procedures.”

c. Comments

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** The operations described in subsection (d)(5) are too advanced for employees.

**Michael Donlon, MD Safety Service:** “Proper assembly, disassembly, connection, anchoring” is Federal language.

**Raymond Mann, 3M:** Utilize ANSI/ASSE359.2-2017 as a reference to develop a competent person's training list.

**Outcome:** The proposed language will be reviewed and amended.

**Action Item:** The Chair will amend the proposed text.

**19.** Review section 3210.3(d)(6) and (e) for consensus.

a. Proposed text

(e) Retraining. The employer shall retrain an employee when the employer has reason to believe the employee does not have the understanding and skill required by subsections (a) and (b). Situations requiring retraining include, but are not limited to, the following: [§1910.30(c)]

b. Proposed Amendments

**Maryrose Chan, OSHSB:** Amend subsections (a) and (b) within section 3210.3(d)(6)(e) to “**(c) and (d)**”.

c. Comments

**None**

**Outcome:** The amendment was accepted. The text was renumbered.

**Action Item:** None

**20.** Review section 3210.3(e)(1) through (2) for consensus.

a. Proposed text

(e)(1) When changes in the workplace render previous training obsolete or inadequate; [§1910.30(c)(1)]  
(2) When changes in the types of fall protection systems or equipment to be used render previous training obsolete or inadequate; or [§1910.30(c)(2)]

b. Proposed Amendments

**Steve Johnson, Associated Roofing Contractors of the Bay Area Counties:** Combine subsections 3210.3(d)(6)(e)(1) and (2).

c. Comments

**Chris Vanover, 3M:** Subsections 3210.3(d)(6)(e)(1) and (2) should remain separate to mirror Federal OSHA language.

**Outcome:** The amendment was not accepted; the text remained as written.

**Action Item:** None

**21.** Review section 3210.3(f) for consensus.

a. Proposed text

(d)(f) Training shall be understandable. The employer shall provide information and training to each employee in a manner that the employee understands.  
[§1910.30(d)] See 3203

b. Proposed Amendments

**Maryrose Chan, OSHSB:** Amend “manner” to “**language**”. (Consensus Ogletree, Deakins, Nash, Smoak & Stuart, P.C.)

**Micheal Donlon, MD Safety Services:** Strike subsection 3210.3(d)(6)(e)(1)(2)(f).

c. Comments

**Micheal Donlon, MD Safety Services:** Subsection 3210.3(d)(6)(e)(1)(2)(f) is redundant. The language is in section 3203.

**Outcome:** Subsection 3210.3(d)(6)(e)(1)(2)(f) was removed from the proposed text.

**Action Item:** None

**Section 3212. Fall Protection of Fall Hazards at Floor Openings, Floor Holes Skylights and Roofs**

**22. Does the definition of floor opening within section 3207 align with section 3212? (a)(1)?**

a. Proposed text  
Section 3207

Floor Opening- An opening in any floor or platform, ~~12~~ 2 inches or more in the least horizontal dimension. It includes stairway floor openings, ladderway floor openings, hatchways and chute floor openings. [§1910.21(b), Used in §3212]

Section 3212

(a) Floor and Roof Openings

(1) Every floor and roof opening shall be guarded by a cover, a guardrail or equivalent on all open sides. ~~While the cover is not in place, the openings shall be constantly attended by someone or shall be protected by guardrails. Toeboards shall be installed around the edges at openings where persons may pass below the opening. [Separated and itemized in (a)(2) & (b)(3) below, [§1910.29(b)(11)].~~

b. Proposed Amendments

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Revert the definition of “Floor Opening” Back to 12 inches.

**Michael Donlon, MD Safety Services:** Consider a minimum dimension of “**3 inches**”. (Consensus from Associated Roofing Contractors of the Bay Area Counties & Cal OSHA)

**Jason Denning, Cal OSHA:** Separate the proposed subsection into two parts. Part one will address falling through, and part two will address stepping into. (Consensus from Cotterman Company)

c. Comments

**Michael Donlon, MD Safety Services:** Federal OSHA has two definitions. The whole is on a horizontal surface (2 inches), and the opening is vertical (18 by 30).

**Jason Denning, Cal OSHA:** “Hole” and “opening” may have to be defined separately in the proposed regulations.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** An opening differs from a hole in the context of guardrails and covers. The text, as written, defines “every floor and roof opening” as 2 inches.

**Maryrose Chan, OSHSB:** Federal language 1910.28 defines a hole as 2 inches.

**Jason Denning, Cal OSHA:** Federal OSHA places conditions on when covers are needed for holes and openings. Federal language 1910.28 references “falling through” versus stepping into.

**Outcome:** The amendments will be considered.

**Action Item:** The Chair will amend the proposed text and utilize Federal OSHA language as a reference.

23. Review section 3212 (a)(2)(B) for consensus.

a. Proposed text

(2)(B) Covers shall be secured in place to prevent accidental removal or displacement and shall bear ~~a pressure sensitized adhesive decal, painted or stenciled sign~~ durable marking with legible letters not less than one inch high, stating: “Opening - Do Not Remove.” or equivalent language. ~~Markings of chalk, crayon or other non-durable markings shall not be used.~~ [Relocated from existing subsection (b) and removed “keel” and replaced with crayon, replaced pressure sensitized adhesive decal, painted or stenciled sign with durable marking]

b. Proposed Amendments

**Yancy Yap, Cal OSHA:** Strike “~~not less than one inch high~~”.

**Michael Donlon, MD Safety Services:** Consider a minimum dimension of “3 inches”. (Consensus from Associated Roofing Contractors of the Bay Area Counties & Cal OSHA)

c. Comments

**Steve Johnson, Associated Roofing Contractors of the Bay Area Counties:** Federal OSHA only requires the employee to identify the hazard by writing “hole.”

**Micheal Donlon, MD Safety Services: Federal OSHA 1910.29(e)** Does not require the employee to identify the hazard.

**Yancy Yap, Cal OSHA:** The Division defines a floor hole as a minimum of 2 inches, so 3 inches will not suffice.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** The text is existing regulations. The change proposed would significantly affect the industry.

**Outcome:** The amendments will be considered.

**Action Item:** The Chair will revise the proposed text.

**24. Review section 3212(f)(1) for consensus.**

a. Proposed text

~~(i)(f)~~ Work on Roofs.

~~(d)(1)~~ Guardrails as specified in section 3209 shall be required at locations where there is a routine need for any employee to approach within 6 feet of the edge of the roof. When intermittent infrequent approaches to the unprotected edge occur less than five times a year, work is being done, safety belts and lanyards or an approved fall protection system in accordance with section 3210.1 may be provided in lieu of guardrails. [Relocated from (d)(1)]

b. Proposed Amendments

**Jason Moore, C.S. Caulkins Co. Inc.:** Add “**the quantity of items in the 6ft danger zone**” for subsection 3212(f)(1).

**Jason Denning, Cal OSHA:** Include “**discrete work location (ex: roof drain)**” to clarify “the quantity of items.”

**Micheal Donlon, Tower Safety Services:** Add “**exposures exceeding 5 minutes shall be considered a second exposure.**”

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Amend text to “**Guardrails and or approved fall protection system**”.

**Micheal Donlon, MD Safety Services:** Amend text to “**Guardrails and or approved fall restraint system**”.

**Randy Girouard, SoLa Structural Engineering:** Strike “**routine & intermittent**”. Add “**infrequent and temporary**.”

c. Comments

**Jason Denning, Cal OSHA:** The number of approaches was included in the text to address “the number of items in the 6ft danger zone” for subsection 3212(f)(1).

**Michael Donlon, MD Safety Services:** The language as written is limiting and may cause unintended consequences.

**Jason Moore, C.S. Caulkins Co. Inc.:** The quantity of items is a good way to explain to consultants and employees. (Consensus from Tower Safety Services)

**Jason Denning, Cal OSHA:** The current federal regulation requires guardrails for routine needs but is less stringent than previous.

**Randy Girouard, SoLa Structural Engineering:** The proposed text should be more specific to the work conducted.

**Thomas Kramer, LJB Inc.:** The proposed text should be time-based and focus on the amount of work conducted.

**Jason Denning, Cal OSHA:** “Infrequent and temporary” may be difficult to enforce. The proposed text should be task-related.

**Outcome:** The amendments will be considered.

**Action Item:** The Chair will revise the proposed text.

25. Review the Exception to section 3212(f)(1) to accurately define residential roofs.

a. Proposed text

EXCEPTION to (f)(1): On roofs of buildings originally constructed as residential roofs where the employer can demonstrate that guardrail requirements, personal fall protection, covers, or safety net systems are infeasible or creates a greater hazard, the employer shall develop and implement a fall protection plan in accordance with sections 1671.1 and section 3210.3.

b. Proposed Amendments

**Maryrose Chan, OSHSB:** Add originally constructed as “single or duplex homes.”

**Jason Denning, Cal OSHA:** Consider “slope roofs constructed on multiple family dwellings” as a definition of residential roofs.

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** Consider “residential typed sloped roofs”.

**Michael Donlon, MD Safety Services:** Define “buildings” as **“originally constructed for residential occupancy”**.

c. Comments

**Kevin Bland, Ogletree, Deakins, Nash, Smoak & Stuart, P.C.:** The text is existing regulations.

**Chris Vanover, 3M:** The proposed exception directs the users to refer to 1671section 3210, which allows several systems to be utilized.

**Maryrose Chan, OSHSB:** “Residential roofs” must be defined for the proposed regulations.

**Michael Donlon, MD Safety Services:** Consider defining “buildings” instead of “residential roofs”.

**Randy Girouard, SoLa Structural Engineering:** Incorporating the building code occupancies guidelines in the proposed text.

**Outcome:** The amendments will be considered.

**Action Item:** PG&E and Edison will meet with the Division to revise the exception.