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Occupational Safety and Health Standards Board  
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## MINUTES FROM THE ADVISORY COMMITTEE MEETING FOR WORKING ALONE IN THE CONSTRUCTION INDUSTRY, SECTIONS 1504 AND 1511.1

June 2, 2015  
Operating Engineers Union Local 3  
Sacramento, California

The meeting was called to order by the Chairman, Michael Nelmda, Senior Engineer, Occupational Safety and Health Standards Board (Board) at 10:00 a.m. on Tuesday, June 2, 2015. The Chairman welcomed the advisory committee members and asked for self-introductions. The Chairman then reviewed the Board's policy and procedures concerning the goals, objectives, and the Board's use of advisory committees.

The Chair explained that this rulemaking action was initiated by a Standards Board Member requesting the Board consider developing regulations to address working alone in the construction industry. The Chair reviewed the history of the regulation and statistics from the Federal OSHA IMIS database.

### Necessity

The committee members raised issues related to necessity for the regulation. The concern raised was that the statistics presented did not establish, to some committee members, a need for the regulation. The statistics presented were questioned on the grounds of whether or not employees were, in fact 'working alone', whether there were individuals in the vicinity that rendered aid, and whether they reflected a delay in treatment to employee. Committee members looked critically at the statistics and voiced concern over a definitive showing of a need for the regulation. Necessity for the regulation was buttressed by concerns that employees would work in isolation, sustain an injury, and have no access to immediate care as the injured would have to travel to an area where cellular communication was available.

### Definitions

The committee focused their attention to the definition of "working alone" and "work in isolation". The committee expressed concerns regarding the definitions within the proposed regulations. Some members believed the definitions would present problems in certain scenarios such as, 1) when two people are working in a location and one leaves the work location to retrieve tools or equipment from the vehicle, 2) when a lone member of a company accompanies a crew from another, and 3) one member implied the proposed regulation would necessitate designating a "supervisor" where two equal crewmembers were working together.

## Scope

Committee members raised concerns that the scope of the proposed regulation was too broad. Some members suggested the standard be restricted to certain occupational classes such as Surveyors or employers involved in Pre- and Post-Construction activities. Other members posed that the regulation should be hazard based. Members cited high voltage electrical work, confined spaces and outdoor work under 'high heat' conditions as an example where working alone prohibitions were linked to hazards. Applying the regulation unencumbered by a defined hazard meant a broad application of the requirements. Members opined that a broad application would increase the cost of compliance and yield a greater competitive advantage economically to those who would flout the requirements. Other members brought to the full committee incidents where employees would sustain injuries while working on a construction site and would have to walk to a location to obtain cellular service or their vehicle to attempt to drive to a location to obtain aid.

## Accountability

Board Staff commented on the proposal as an accountability standard. When employees are working in areas where they may become incapacitated, or self-rescue is inhibited, employee's access to care is compromised. The standard, Board Staff explained, was not to prevent employees from a hazard such as falling into a hole but, to account for the employees should they become injured. Board Staff posed a need to identify where the existing standards are deficient and focus the rulemaking effort where these "holes" exist. Another Board Staff member postulated that every employee has a reasonable expectation that the employer would have adequate measures to provide care if the employee was injured.

## Overlap

Some committee members believed there to be an overlap with existing standards within the General Industry Safety Orders and the Construction Safety Orders. Committee members opined that standards such as the emergency medical services (Sections 1512 and 3400), the Injury and Illness Prevention Program (Sections 1509 and 3203), and the Heat Illness Prevention (Section 3395) already address the concerns which led to this rulemaking. Committee members identified specific subsections such as 1512(e) and 1512(g) which members of the committee felt would address the goals of the proposed regulation.

## Formation of a Sub-committee Proposed

The consensus resulting from the advisory committee was that a sub-committee would be formed to review the potential scope of proposed rulemaking. As originally envisioned, the rulemaking was to address the conditions during pre-construction and post-construction activities. These conditions affect primarily surveyors who work alone. The sub-committee would review standards such as 1509, 1512, 3400, and 3395 to determine if any supplemental rulemaking would serve to address concerns raised by labor proponents during the advisory committee meeting. A number of committee members expressed a desire to participate in the subcommittee

deliberations. There being no further business, the Chair thanked the committee for their participation and adjourned the meeting at 1:30pm.