

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**TITLE 8. CALIFORNIA CODE OF REGULATIONS**

**High Voltage Electrical Safety Orders, Sections 2941 and 2942; Elevator Safety Orders, Section 3016; General Industry Safety Orders, Sections 3207, 3214, 3231, 3234, 3276, 3277, New Section 3279, 3621 and 3622; Petroleum Safety Orders - Drilling and Production, Sections 6564, 6599, 6600 and 6632; and Telecommunication Safety Orders, Section 8608  
(Published on May 4, 2018)**

**[Walking-Working Surfaces \(HORCHER\)](#)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

**PUBLIC HEARING**

The Board will hold a public hearing starting at 10:00 a.m. on **June 21, 2018** in the **Council Chambers, Room S249** of the **Pasadena City Hall, 100 North Garfield Avenue, Pasadena, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

**WRITTEN COMMENT PERIOD**

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **May 4, 2018** and closes at 5:00 p.m. on **June 21, 2018**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

**AUTHORITY AND REFERENCE**

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

## **INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT** **OVERVIEW**

The Occupational Safety and Health Standards Board intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations addressing walking-working surfaces as 29 Code of Federal Regulations, Part 1910:

- Subpart D Sections 1910.21 through 1910.30
- Subpart F, Sections 1910.66, 1910.67, 1910.68, Appendix D to 1910.66
- Subpart I, Sections 1910.132, 1910.139, 1910.140, Appendix C to Subpart I, Appendix D to Subpart I
- Subpart N, Sections 1910.178, 1910.179
- Subpart R. Sections 1910.261, 1910.262, 1910.265, 1910.268

The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 81, No. 223, pages 82494-83006, November 18, 2016, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt regulations which are the same as the federal regulations except for editorial and format differences.

OSHA revised and updated the general industry standard on walking-working surfaces. Walking-working surfaces means any horizontal or vertical surface on or through which an employee walks, works, or gains access to a work area or work station. As such, the Federal Final Rule covers a broad scope: ladders, step bolts and manhole steps, stairways, dockboards, scaffolds and rope descent systems, fall protection and falling object protection, training requirements, powered platforms for building maintenance, vehicle-mounted elevating and rotating work platforms, manlifts, personal fall protection systems, powered industrial trucks, overhead and gantry cranes, pulp and paperboard mills, textiles, sawmills, telecommunications and electric power generation, transmission, and distribution.

Due to the size of the Federal walking-working surfaces regulation and the number of California regulations affected, the Federal regulation is being incorporated into the California regulations in segments. This notice addresses:

- Fixed and Portable Ladders
- Mobile Ladder Stands and Scaffolds
- Stairways
- Step Bolts and Manhole Steps.

California is proposing to maintain its current structure regarding the existing regulations and proposes to add Section 3279 to address pole steps and manhole steps.

The federal changes to its general industry safety order affect California's General Industry Safety Orders, High Voltage Electrical Safety Orders, Elevator Safety Orders, Petroleum Safety

Orders - Drilling and Production, and Telecommunication Safety Orders. Future notices will encompass the remaining parts of the federal regulation.

The proposed regulations are substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to:

1. Identify any clear and compelling reasons for California to deviate from the federal standard;
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and,
3. Solicit comments on the proposed effective dates.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

### **DOCUMENTS RELIED UPON**

[81 Federal Register, 82494-83006 \(November 18, 2016\).](#)

This documents is 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.

### **COST ESTIMATES OF PROPOSED ACTION**

Requirement	Total Cost –All Employers (\$Millions) (2012 Dollars)	California Cost 13.2% GDP (\$Millions) (2012 Dollars)
1910.23 Ladders	11.3	1.45
1910.24 Step Bolts and Manhole Steps	18.0	2.38
1910.25 Stairways*	0	0
Total	29.3	3.83

\* Federal OSHA does not believe there is a cost to complying with the Stairway standards due to the grandfathering clause and general adherence to national consensus standards. In addition, a large portion of the final rule regarding stairways was reorganization of existing requirements.

### **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

### **SMALL BUSINESS DETERMINATION**

The Board has determined that the proposed amendments may affect small businesses. Refer to pages 82875 – 82924 of 81 Federal Register, 82494-83006 (November 18, 2016) for a break-down of the costs based on industry code.

### **CONTACT PERSONS**

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

### **AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE**

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation(s) without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

### **AVAILABILITY OF THE MEMORANDUM TO THE STANDARDS BOARD MEMBERS**

Upon its completion, copies of the Memorandum may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

## **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.