James F Sherman, Area Steward, CWA Local 9400

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Occupational Safety and Health Standards Board

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Sacramento, California 95833

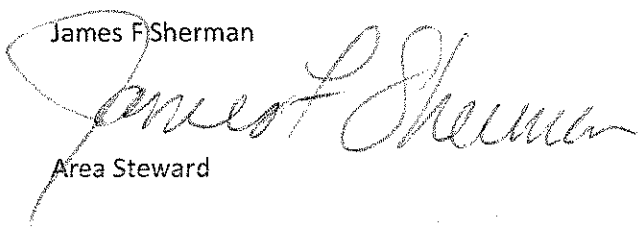
December 28, 2015

To Whom it May Concern,

Please see the attached petition on behalf of the Communications Workers of America, Local 9400, regarding the current standards for fall protection on wood poles in the telecommunications field.

Sincerely,

James F Sherman



Area Steward

The current regulation regarding fall protection while climbing wood poles in the telecommunications field, 8 CCR 8615(g) reads as follows:

Fall Protection. When work is performed at elevated locations more than 4 feet (1.2 meters) above ground on poles, towers or similar structures, the employer shall require the employees to use either fall arrest equipment, work positioning equipment, or travel restricting equipment, if other fall protection methods have not been provided (e.g., guardrails, safety nets, etc.). The use of body belts for fall arrest systems is prohibited.

EXCEPTION: Point to point travel by a qualified person, unless conditions such as ice, high winds (as defined in Section 2951(f) of the High Voltage Electrical Safety Orders), design of the structure, or other conditions (e.g., chemical contaminants) prevent the employee from gaining a firm hand or foothold while traveling.

This regulation was devised from 8 CCR 2940.6(b):

Fall Protection. When work is performed at elevated locations more than 4 feet (1.2 meters) above the ground on poles, towers or similar structures, the employer shall require the employees to use either fall arrest equipment, work positioning equipment, or travel restricting equipment, if other fall protection methods have not been provided (e.g., guardrails, safety nets, etc.). The use of body belts for fall arrest systems is prohibited.

Exception: Point to point travel by a qualified person, unless conditions such as ice, high winds, design of the structure, or other condition (e.g., chemical contaminants) prevents the employee from gaining a firm hand or foothold while traveling.

Both regulations seem to have been formulated from 29 CFR 1910.269(g)(v):

Fall arrest equipment, work positioning equipment, or travel restricting equipment shall be used by employees working at elevated locations more than 4 feet (1.2 m) above the ground on poles, towers, or similar structures if other fall protection has not been provided. Fall protection equipment is not required to be used by a qualified employee climbing or changing location on poles, towers, or similar structures, unless conditions, such as, but not limited to, ice, high winds, the design of the structure (for example, no provision for holding on with hands), or the presence of contaminants on the structure, could cause the employee to lose his or her grip or footing.

Under the current regulations, qualified persons, are able to "free climb" in the state of California. Free climbing is a skill that takes time to master and as any qualified climber will tell you, there are too many unknown variables while ascending and descending wood poles that even with years of experience, will not guarantee the safety of the climber.

Since 1998, the industries involved in wood pole climbing have been working with manufacturers and have designed a fall arrest system to ensure a qualified person could safely climb a wood pole while using a fall arrest system design to prevent the climber from falling no more than 2 feet while ascending and descending.

In 2011, OSHA released a best practice guide regarding fall protection on wood poles (see attached), then 2015 OSHA changed the requirements regarding fall protection on wood poles. The current standard, 29 CFR 1910.269(g)(2)(iv)(C)(3) went into effect on April 1, 2015 and reads as follows:

Until March 31, 2015, a qualified employee climbing or changing location on poles, towers, or similar structures need not use fall protection equipment, unless conditions, such as, but not limited to, ice, high winds, the design of the structure (for example, no provision for holding on with hands), or the presence of contaminants on the structure, could cause the employee to lose his or

her grip or footing. On and after April 1, 2015, each qualified employee climbing or changing location on poles, towers, or similar structures must use fall protection equipment unless the employer can demonstrate that climbing or changing location with fall protection is infeasible or creates a greater hazard than climbing or changing location without it.

OSHA has implemented a standard which offers greater safety to the persons that the standard has been designed to cover, therefore it is imperative that CalOSHA revise both 8 CCR 2940.6(B) and 8 CCR 8615(g) to remove the current exception regarding point to point travel and require fall arrest equipment at all times unless the employer can demonstrate that use of such equipment is infeasible or would create a greater hazard.

Occupational Safety & Health Administration We Can Help

Best Practices Task Team III - Safety at Heights; Wood Poles

Introduction:

The Partnership is committed to the practice of Safety at Heights wherever the potential exists for personnel falling from heights. A series of Best Practices will be developed that will address fall hazards associated with the Electric Transmission and Distribution industry. Best Practices will address fall hazards associated with, but not limited too, aerial tasks performed while working on wood/steel poles, metal/lattice structures, transformers, vehicles and associated equipment. The Best Practices will utilize a fall protection hierarchy of fall hazard elimination or control of the fall hazard. The following shall be considered in designing a fall protection solution: elimination or substitution, passive fall protection, fall restraint, fall arrest and administrative controls. First consideration shall be given to the elimination of fall hazards. Where elimination of the fall hazard is not practical effective control of the fall hazard shall be used at all times.

Best Practice:

Safety at Heights - Fall Protection on Wood Poles.

Subject:

Fall protection when performing aerial work on Wood Poles.

Practice Statement:

Fall Protection Equipment (FPE) shall be used when ascending, descending, changing position and when in the working position while on a wood pole.

Practice Description:

- Wood Pole Fall Restriction Device shall be "engaged" ground-to-ground when ascending, descending, changing position and when in the working position.
- When in the working position, Work Positioning Equipment may be used when rigged such that an employee cannot fall more than two feet.
- When climbing wood poles that have pole steps or other obstructions the hitch hike climbing method, utilizing the Work Positioning Equipment, may be used to ascend or descend when rigged such that an employee cannot fall more than two feet.
- Wood pole climbers shall be trained and competent in the care, use and inspection of components used to conform to this Best Practice. Employers should obtain comprehensive training from the manufacturer as to the equipments proper use (to include "train the trainer"). Employees must be trained in the selection and safe use of the equipment/system. This should include the following: Application limits; techniques used for proper adjusting of the equipment, methods of use, inspection, storage of the device and a demonstration of competency of device usage. Training shall only be conducted by qualified trainers. Refresher training shall be provided that will maintain employees competency in the use of required equipment.

Best Practices Task Team III - Safety at Heights; Wood Poles

- Prior to climbing any wood pole, an inspection of the pole shall be conducted. All components of the Fall Protection Equipment shall be inspected by the climber (per manufacturers' specifications) to ensure the device is fit for use.
- This Best Practice applies to all climbers including those that perform pole top rescue on wood poles. Rescue application should be pre-determined (as early as possible, but no later than during the pre-job briefing) based on rescue needs such as timeliness and consideration given to the characteristics of the structure that rescue is being performed on. Employers shall address rescue considerations and develop appropriate procedures that will allow successful performance of a given rescue technique for varied field conditions. Climbers shall be qualified in the methods identified to be used for rescue.
- Company policies shall apply when the conditions of this Best Practice cannot be met. Alternative work methods ensuring worker safety shall be identified, communicated to all affected workers, implemented and documented as part of the job briefing process.

Benefits:

To eliminate injuries and fatalities associated with falls from Wood Poles.

Reference:

ANSI Z359 - 2007
CSA Z259.14 - 01
29 CFR 1926.500 - 503
The Texas A&M University System;
Texas Engineering Extension Service; Engineering, Utilities and Public Works Training Institute
Best practices utilized by OSP members for climbing wood poles.
IEEE 1307 - IEEE Standard for Fall Protection for Utility Work

Definitions and Considerations

Definitions: