STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
2520 Venture Oaks Way, Suite 350
Sacramento, California 95833
(916) 274-5721

In the Matter of a Petition by:	)	
	)	PETITION FILE NO. 556
Scott McAllister,	)	DECISION
M&M Occupational Safety &	)	
Health Services	)	
2342 Shattuck Avenue #343	)	
Berkeley, CA 94704	)	
Applicant.	)	

The Occupational Safety and Health Standards Board hereby adopts the attached PROPOSED DECISION.

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

DAVID THOMAS, Chairman

ROBERT BLINK, M.D, Member

DAVE HARRISON, Member

PATTY QUINLAN, Member

BARBARA SMISKO, Member

LAURA STOCK, Member

By: Marley Hart
Marley Hart, Executive Officer

DATE: 7/21/2016
Attachments

OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
(916) 274-5721
FAX (916) 274-5743
Website address: www.dir.ca.gov/oshsb

PROPOSED PETITION DECISION OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD (PETITION FILE NO. 556)

INTRODUCTION

The Occupational Safety and Health Standards Board (Board) received a petition on February 29, 2016, from Scott McAllister, M&M Occupational Safety & Health Services, (Petitioner). The Petitioner requests the Board to amend the Telecommunication and Electrical Safety Orders to require the use of both the positioning device system and fall arrest system when employees are using elevated portable platforms.

Labor Code section 142.2 permits interested persons to propose new or revised regulations concerning occupational safety and health and requires the Board to consider such proposals, and render a decision no later than six months following receipt. Further, as required by Labor Code section 147, any proposed occupational safety or health standard received by the Board from a source other than the Division of Occupational Safety and Health (Division) must be referred to the Division for evaluation, and the Division has 60 days after receipt to submit an evaluation regarding the proposal.

SUMMARY

In October 2008, an instructor with PG&E suffered a serious injury after falling from a utility pole platform. The accident occurred when the positioning strap of the employee was connected to the platform rope, the employee leaned back to tension the positioning system, and the platform rope broke causing the employee to fall approximately 26 feet to the ground.

According to the accident report, the cause of the accident was the failure of the rope. The rope may have been defective or not have had adequate strength to sustain the force that would be created by a 2 foot free fall or twice the intended load, whichever is greater.

The Petitioner proposes the following amendments to eliminate this hazard:

> § 2940.6. Tools and Protective Equipment
> (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. <u>Where elevated work platforms utilizing rope for work positioning, a fall arrest system shall also be employed.</u>

§8615. Overhead Lines
(g) 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. Where elevated work platforms utilizing rope for work positioning, a fall arrest system shall also be employed.

DIVISION'S POSITION

The Division's evaluation states that having an effective primary fall protection system is more protective than requiring all workers to use fall arrest equipment as a back-up to an ineffective primary fall protection system. The Division recommends that the petition be granted to amend the High Voltage and Telecommunication Safety Orders to reference Section 1670 of the Construction Safety Orders.

Division recommended additions:

Title 8 High Voltage Safety Orders

§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. Fall protection anchorages, personal fall arrest systems, personal fall restraint systems, and positioning devices shall meet the requirements of Section 1670 of the Construction Safety Orders.

Title 8 Telecommunication Safety Orders

§8615(g) 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. Fall protection anchorages, personal fall arrest systems, personal fall restraint systems, and positioning devices shall meet the requirements of Section 1670 of the Construction Safety Orders.

STAFF'S EVALUATION

Board staff recommends amending Section 2940.6 and 8615 by adding a cross reference to the requirements of fall arrest, work positioning, or fall restraint systems specified in Construction Safety Order, Section 1670.

Board staff does not recommend language proposed by the Petitioner to prescribe the use of both a fall arrest system and a positioning system for fall protection. The High Voltage Electrical Safety Order, Section 2940.6(b) and Telecommunications Safety Order, Section 8615(g) both require the use of fall arrest equipment, work positioning equipment, or travel restricting equipment at elevations greater than 4 feet. The employer is given the responsibility to determine how they will achieve fall protection, by choosing the type of fall protection: fall arrest system, work positioning system, or travel restricting equipment. The Petitioner's proposal to mandate redundant systems is unnecessary and may create unforeseen hazards, such as tripping, lanyards getting caught, etc. Rather, a compliant fall arrest system or positioning device system in accordance with Sections 1670(b) or 1670(c) respectively, will achieve fall protection.

During Board staff research, it came to light that:

- There is currently no consensus standard specifying design, performance, inspection, and testing requirements for the insulated portable platforms.
- The National Electrical Safety Code standard regarding the safety rules for the installation and maintenance of overhead electric supply states that the platform should be rated to 600 lbs. The platforms that are typically available in the market have a maximum rated load of 500 lbs.
- There are no testing requirements to test the insulating properties of the platform.
- In practice, employees occasionally tie to the railing. Product literature states that the railing is used for belt-on restraining guides. Other product literature warns that the tripod rail is not to be considered as the shock load anchor point or a side load anchor point. Board staff believes it would be justified to review the adequacy of current fall protection relied upon while using elevated portable platforms.

CONCLUSION AND ORDER

The Occupational Safety and Health Standards Board has considered the petition of Mr. Scott McAllister, M&M Occupational Safety & Health Services, to make recommended changes to the Telecommunication and Electrical Safety Orders to require the use of both a positioning device system and a fall arrest system when employees are using elevated portable platforms. The Board has also considered the recommendations of the Division and Board staff.

The Petitioners' request is GRANTED to the extent that the Standards Board convene an advisory committee to review the application and various designs of elevated portable platforms used in conjunction with any associated fall positioning system or fall arrest system and to

consider additional language clarifying that the fall protection requirements of Section 1670 apply to the Electrical and Telecommunication Safety Orders.