

**M&M Occupational Safety & Health Services**

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2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

From: Scott McAllister, MA, MPH, CIH, AIHAF

Subject: Proposal to Amend Telecommunication Safety Orders Section 8615 and Electrical Safety Orders Section 2940.6.

In December of 2008, Brad Fleet, an instructor for PG&E, was teaching linemen how to establish and work from a pole mounted work platform. The work platform was a "Safety Line" platform that had a rope that served as work positioning equipment. Previous to attaching the rope to its position on the platform, he conducted an inspection of the rope. When he attached his positioning belt to the rope line and leaned back against it, the rope failed and he fell 26 feet to the ground. He survived but is still suffering from his serious injuries.

The Division conducted an inspection (311867097) and cited PG&E for 2 general violations and one serious violation of T8 Section 3270.1, Rope Access. These violations were inappropriate and would not have been upheld on appeal. PG&E, on its own volition, has changed its safety program to include a proper fall arrest system. Unfortunately, AT&T and other employers such as Comcast and Verizon still employ these so-called "Safety Line" platforms.

This proposal is a simple fix to eliminate this hazard. I have proposed language to the two regulations that the employers who utilize these platforms and are familiar with the requirements of 8615 and 2940.6.

If you have any questions about this proposal, please don't hesitate to contact me at [oshacowboy@gmail.com](mailto:oshacowboy@gmail.com) or my cell phone at 510-847-5308.

Sincerely,



Scott McAllister

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# Proposal to Amend Telecommunication Safety Orders Section 8615 and Electrical Safety Orders Section 2940.6

## 1 Elevated Work Platforms

Statement – Elevated work platforms covered by the two safety orders above do not provide adequate safety for employees using rope as the positioning part of the platform structure.

2. Current Language for these two safety orders are basically identical. §8615(f)(1) states:

“(f)(1) Elevated Work Platforms. Unless standard railings meeting the requirements of Section 3209 of the General Industry Safety Orders are provided, personal fall protection devices as specified in subsection (g) shall be used while working on elevated work platforms including aerial splicing platforms, pole platforms, ladder platforms, pole balconies and pole seats.

(2) Ladder Platform. A ladder platform shall consist of a supporting surface not less than 9 inches by 18 inches. The rear edge of the platform and the support member shall be equipped to lock the platform to the ladder rungs.

(3) Pole Platform. A pole platform shall consist of a supporting surface not less than 10 inches by 40 inches equipped at one end with a hinged chain binder for securing the platform to a pole. A brace shall be provided from the pole to the underside of the platform.

(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.

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§2940.6 states: (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.

It is interesting to note that the two subsections are listed, respectively, in the Electrical Safety orders and the Telecommunication Safety Orders. That is because employees of PG&E, AT&T and the communication employers comprise the vast majority of workers who work at heights on telephone poles using elevated work platforms. At present, these two subsections allow workers to work using positioning equipment only. A leather or composite material strap fastens to the worker's belt and to a rail or rope running the length of the platform. (see images of platforms in Appendix I)

The positioning equipment used on elevated platforms with solid rails, usually re-enforced fiberglass, is safe to use as positioning equipment without a fall arrest system. Elevated platforms using rope as the positioning rail are not safe, and are prone to failure.

### 3. Accident Involving Rope Positioning Line

On October 24, 2008, Brad Fleet, a PG&E instructor with 7 years experience, fell 26 feet from a White Safety Line elevated work platform attached to a telephone pole. Mr. Fleet was instructing other PG&E employees on how to attach and use the temporary pole-mounted work platform or TPMWP. According to the Cal/OSHA investigation, the White Safety Line TPMWP was in common use at PG&E. It is likewise in use at AT&T. Also noted in the investigation was that Mr. Fleet had followed all the preliminary procedures for assembling the apparatus, including a detailed inspection of the rope. When Mr. Fleet attached the safety strap for the rope to his belt and leaned back to position himself, the rope failed, and Mr. Fleet fell to the ground.

### 4. CAL/OSHA Citations for the Accident

The Division did not cite PG&E for violation of any subsection of either T8CCR §8615 or §2940.6 because PG&E had not violated any part of these regulations. Instead the Division cited PG&E for two general violations and one serious violation of T8 CCR §3270.1, rope access. Had PG&E appealed the violations, it is highly likely that the §3270.1 citations would not have been sustained.

The Scope and Applications section is for "rope access". Typically, this means rope being used to get to the place, or leave the place, where the work is done. The rope on the White Safety Line TPMWP was not an access line by definition.

- (a) Scope and Application. This section establishes safety requirements for rope access and the use, care and maintenance of rope access equipment as defined in Section 3207. Rope supported work shall be permitted only when other means of access are not feasible or would increase the risk of injury to the employee and/or the public. The requirements of this section include, but are not limited to, the inspection of dams and spillways, access to interior or exterior structural and architectural components of buildings, highway/bridge inspection and maintenance, and access to power plant penstocks.

- (b) Approval. Rope access equipment shall be approved for its intended use as defined in Section 3206 of these Orders.

There was no “approval” for the so-called safety line because it did not play any role in establishing the platform or a person on the platform. In fact, the instructions for establishing the platform stated that the rope “safety line” should be attached after the platform is anchored to the pole. However, it should be noted that the rope station and the line itself can be secured to the platform on the ground so that the person attaching the platform to the pole is not required to walk out on the platform with no fall protection.

5. The Division also holds in its serious citation 2 that the rope is the primary means of support. The rope itself is arguably **not** the primary means of support which was, by definition, the platform itself. See the language of 8615(f)(3). “A pole platform shall consist of a **supporting surface** ....” Granted that the so-called safety line was part of the platform structure, the platform itself was the main support of the employee.

The problem here of course is that the 2 regulations that actually pertain to work on elevated platforms actually allow these old, so-called “safety line” work platforms to be used without proper fall protection. According to PG&E, there are significant numbers of these platforms, and PG&E chose to recognize the hazard and add a real fall arrest system when they are used. However, union sources and AT&T personnel inform me that AT&T is still sending a single lineman out on a line truck with this same device and no back-up fall arrest harness. I would also wager that Verizon and Comcast are doing the same.

I propose that the language in §8615 and §2940.6 be amended to read:

T8CCR §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. Where elevated work platforms utilizing rope for work positioning, a fall arrest system shall also be employed.

And

T8CCR §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. Where elevated work platforms utilizing rope for work positioning, a fall arrest system shall also be employed.