

October 12, 2020

Christina Shupe, Executive Officer  
Occupational Safety and Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833

Submitted VIA electronic mail: [cshupe@dir.ca.gov](mailto:cshupe@dir.ca.gov)

Dear Ms. Shupe:

We are writing to request that the Standards Board expedite its review of changes requested by DOSH to 8 CCR section 1630 in a form 9 submitted to the Board on 3 April 2019. We additionally request that the Board:

- Also include consideration of the changes we describe below, and
- Treat this letter as a formal petition, as it did our letter to the Board of 7 June 2019 (Petition 577) requesting emergency rulemaking to reinstate the 3-story rule for installation of construction personnel hoists on buildings designed to be 60 feet or more in height when complete.

The changes we and DOSH are requesting are needed to keep up with new types of construction as well as to correct gaps in the existing language that have created substantial confusion over the years. Without these changes, the safety of construction workers on structures subject to section 1630 will continue to be in serious jeopardy.

**Amendments requested by the DOSH Form 9.**

As you know, DOSH filed a Form 9 with the Board on 3 April 2019 requesting several amendments to section 1630. The principle change requested, clarification of the point in construction at which a CPH must be installed on buildings designed to be 60 feet or more in height, has mostly been made already by the Board's recent adoption of the amendment requested by Petition 577, although there still remains a need to clarify the point of installation issue in connection with multiple building stories underground.

The other issues requested by DOSH were the need to clarify and require that CPH service must be provided:

- To the roof as a "floor" pursuant to section 1630,
- To each landing in the building
- With CPH distribution arranged so that all landings can be accessed in 5 minutes or sooner.

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**Additional amendments requested by the undersigned.**

- Section 1630 should have clearer and more specific criteria defining when "alternative access" is permissible in lieu of a CPH. Currently, there is variation among DOSH district offices on how to apply the current criteria, which are general and leave too much room for defeating the basic necessity to have CPH access when feasible.
- Section 1630 should include, among other criteria, a requirement in the permit application evaluation process to submit detailed engineering calculations substantiating the infeasibility of a CPH and to provide in writing detail sufficient to demonstrate the safety and effectiveness of whatever alternative access is sought by the permit applicant.

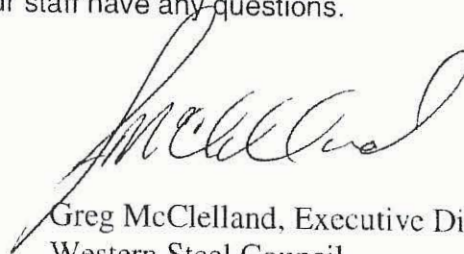
We urge the Standards Board to give this matter its highest priority by setting an advisory committee meeting date to review these and related issues before the end of the year. The ambiguities in section 1630 have gone uncorrected for too many years, as various problems continue to demonstrate with increasing frequency and increasingly more serious safety consequences that clearer, more effective language is needed. This will not only fill in critical safety gaps but promote the viability of the construction industry as construction proceeds on the buildings subject to section 1630.

Please feel free to contact either of us if you or your staff have any questions.

Sincerely,



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