



May 16, 2024

Occupational Safety and Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, California 95833

**Re: Alex's Law: Petition to Amend 8 C.C.R. § 3324 (Horizontal Sliding Gates)**

Dear Chair Thomas and Fellow Board Members:

I am writing to respectfully petition the Board to amend Section 3324 of Title 8 of the California Code of Regulations relating to the installation, operation, inspection and maintenance of Horizontal Sliding Gates, and to request that the Board consider a new regulation to govern Swinging Gates.

The dangers associated with failing horizontal sliding and swinging gates were recently brought to my attention by Eric and Dayna Quanbeck, whose seven-year old son Alex was fatally injured in December 2019 when a horizontal sliding gate at his school's playground failed and fell as he tried to close it. The gate weighed some 300 pounds, and the proper installation of a "post stop" – a simple \$50 part – would have saved Alex's life. Since his death, Alex's parents have tirelessly sought to protect children at schools from poorly maintained gates. They have almost certainly succeeded in that goal. They founded the Hummingbird Alliance in Alex's honor; they identified over a dozen similar fatal accidents across the country involving children and failing gates; and they are working closely with state and federal legislators to raise awareness and pass Alex's Law to prevent gate-related injuries. They have not just won the hearts and minds of lawmakers, regulators, and citizens in California and across the country, they have won the support of key trade groups, including the American Fence Association – the largest fence industry trade association in the nation with over 1,400 member companies and 19 chapters across the United States. This petition is submitted at the Quanbecks' request and in the memory of their son.

#### **Horizontal Sliding Gates**

Horizontal sliding gates do not just threaten children at schools. According to Senior Safety Engineers at CalOSHA who researched this issue at my request, three California workers have died from failing horizontal sliding gates in the past three years. It is beyond dispute that many others have suffered unreported non-fatal injuries. Typically, when a sliding gate fails, it comes off its track and falls away from the fence plane; however, other failures caused by imbalanced gates, the lack of safeties, failed gate stops and other problems can also cause serious injuries.

Section 3324 regulates horizontal sliding gates and was originally passed by the Board in 2007. It has never been amended. I have not learned what prompted the original regulation, but it is facially inadequate to prevent the most significant types of sliding gate failures that have cost Californians their lives.

The current regulation reads, in full:

- (a) All horizontal sliding gates shall be equipped with positive stops or devices that limit the gate travel to the designed fully open and closed positions.
- (b) Positive stops or devices shall be constructed, installed and maintained by a qualified person to resist impact loads in order to safely contain sliding gate components within the designed stop limits.
- (c) Employees responsible for operating or inspecting horizontal sliding gates shall be instructed in the safe operation of such gates.
- (d) Repairs to gate hardware shall only be performed by a qualified person.

(8 C.C.R. § 3324.)

Among the inadequacies of Section 3324 as written is the absence of any safety feature requirement that would prevent a derailed sliding gate from falling away from the vertical plane of the static fence line – the type of failure that killed Alex Quanbeck and the three California workers referenced above. In addition to any amendments deemed necessary by an independent review of the Board and its staff, I am respectfully requesting you consider amending the regulation to:

1. Require the installation of a post stop or similar device to prevent a derailed sliding gate from falling more than 45 degrees from the vertical plane of the fence;
2. Require that a gate be properly balanced so as not to move under its own weight;
3. Require that wheels be covered; and
4. Provide a mechanism to more faithfully ensure the proper functioning of positive stops already provided for in the current regulation.

Furthermore, Section 3324 should also incorporate the following standards by reference:

5. ASTM F1184-16: specifying standards for horizontal sliding gates;
6. ASTM F2200-20: specifying standards for automated gates controlled by a motor;  
and
7. UL 325: requiring entrapment protection devices.

The Board has previously incorporated ASTM standards into regulations in the manner requested here. (*See, e.g.* 8 C.C.R. § 3650 [Industrial Trucks] and § 3638 [Elevated Work Platforms].) It is essential that incorporating the ASTM standards should include language requiring that all “gates must be installed, operated, inspected, and maintained according to the ASTM standard and manufacturer recommendations where they exist,” and that “all operators must be trained following the ASTM standard and manufacturer recommendations where they exist.” (*See, e.g.* 8 C.C.R. § 3328 [Machinery and Equipment].)

### **Swinging Gates**

In addition to seeking amendment to section 3324, this petition also respectfully requests the Board consider adopting a new regulation concerning swinging gates. It does not appear that such a regulation currently exists within Title 8. I am therefore requesting that the Board investigate the reasonableness of adopting the standards for Swinging Gates set forth in ASTM F900-11 and UL 325.

On behalf of Eric and Dayna Quanbeck, in memory of their son Alex; for those unidentified families of California workers killed or injured by failing gates; and for those who are certain to be saved by the amendments proposed by this petition, I encourage you to join me in supporting it.

Kindest regards,



Joseph M. Alioto Jr.  
Public Member