

Memorandum

Date: July 23, 2025

To: Millicent Barajas, Executive Officer
Amalia Neidhardt, Principal Safety Engineer
Occupational Safety and Health Standards Board

From: Yancy Yap, Senior Safety Engineer
Jason Denning, Principal Safety Engineer
Eric Berg, Deputy Chief
Division of Occupational Safety and Health

Subject: Evaluation of Petition No. 607 to extend the effective date of the residential fall protection regulatory changes.

1.0 INTRODUCTION

On March 28, 2025, the Division of Occupational Safety and Health (Cal/OSHA) received a petition originating from Kevin Bland (Petitioner), representing three organizations: Housing Contractors of California, California Framing Contractors Association, and Residential Contractors Association. The petitioner proposes to extend the effective date of the updated residential fall protection regulations in the construction industry from July 1, 2025 to July 1, 2026.

The regulations effective July 1, 2025 include amendments to title 8 sections 1671.1, 1716.2, 1730, and 1731. These amendments address fall protection plans, and fall protection in residential framing and roofing operations. Rulemaking for these regulatory amendments were initiated by Occupational Safety and Health Standards Board (Standards Board) staff in response to concerns from federal OSHA that California title 8 regulations were not at least as effective as Title 29 Code of Federal Regulations (CFR), Part 1926 Safety and Health Regulations for Construction.

On April 14, 2025 Cal-OSHA received additional documents originating from the petitioner. The petitioner submitted new regulatory language for a proposed new section 1671.3 related to fall protection plans for residential framing construction.

Labor Code Section 142.2 permits interested persons to propose new or revised standards concerning occupational safety and health and requires the Standards Board to consider such proposals. California Labor Code section 147 requires the Standards Board to refer to Cal/OSHA for evaluation of any proposed occupational safety and health standard.

2.0 PETITIONERS PROPOSAL AND BASIS FOR PETITION

2.1 Petitioners Proposal to Extend the Operational Date of Regulations

The petitioner proposes to delay the operational date of the recent title 8 residential fall protection regulatory changes to July 1, 2026 to allow the petitioner and other stakeholders time to meet with new federal OSHA administration representatives to discuss the petitioner's perceived negative impact of the fall protection regulatory changes. As an alternative to a delay in the current approved regulations, the petitioner proposes the OSHSB adopt an additional new regulation, section 1671.3 for residential framing fall protection plans. Proposed regulatory language for section 1671.3 was included in the petitioner's application.

2.2 The regulatory changes are based only on pressure from federal OSHA and less safe than current standards.

The petitioner asserts that the July 1, 2025, regulatory changes were approved by Occupational Safety and Health Standards Board (OSHSB) members due to pressure and threats from Federal OSHA. Additionally, the petitioner states that the Carpenters Union and residential construction contractors oppose the regulatory changes because they believe them to be less safe than current title 8 regulations. The petitioner also claims that no one at federal OSHA headquarters is willing to meet with the petitioner and other California stakeholders to understand why the previous California fall protection standards are at least as effective as Federal OSHA standards.

2.3 There are no safe alternatives for framing contractors other than existing regulations.

The petitioner asserts that working from ladders is unsafe for residential framing activities. When working from ladders, the petitioner argues, workers must exert more energy to carry heavy lumber products overhead and there is increased exposure to fall hazards when workers climb up and down. The petitioner further argues that work from ladders exposes framers to greater hazards from pneumatic nail guns as they must be used at an employee's chest level rather than at their feet and that federal OSHA guidance in [29 CFR Part 1926 Subpart M Appendix E](#) (Sample Fall Protection Plan - Non-Mandatory Guidelines for Complying with 1926.502(k)) advises to limit work from ladders.

The petitioner asserts that use of personal fall arrest for working at and above 6-feet does not provide sufficient clearance when personal fall arrest occurs due to a large clearance requirement after the deployment of personal fall arrest system. Utilizing safety nets, the petitioner also claims, is not an option for fall protection again citing subpart M Appendix E, which suggests that the use of personal fall protection and nets could cause walls to collapse.

Finally, the petitioner opines that only a small percentage of residential framing work may utilize mobile equipment and rolling scaffolds in lieu of fall protection due to close lot lines and sophisticated architecture that require multiple different type of framing procedures.

2.4 More Time is Needed to Communicate with Federal OSHA and Establish New Regulation.

The petitioner asserts more time is needed for new personnel at federal OSHA to understand the issues related to the regulatory changes. Additionally, the petitioner argues it will take time for a newly proposed regulation under section 1671.3 to be adopted through the Administrative Procedures Act (APA).

2.5 Contractors Have Been Informed by Cal/OSHA That They Would Likely be Cited for Use of Ladders, Personal Fall Protection and Fall Protection Plans.

The petitioner claims that residential construction contractors have reached out to Cal/OSHA regarding the new regulations and were told that citations would likely be issued for using ladders, personal fall protection, and fall protection plans for residential construction activities. Work from ladders, the petitioner explains, involves continuous reaching in violation of ladder safety regulations. Personal fall protection at a nine-foot working height on unsheathed structures would require greater than nine feet of clearance and an anchorage of 5,000 pounds that the structure would likely not support. Finally, the petitioner asserts that citations will likely be issued by Cal/OSHA for attempting to use a fall protection plan. This, the petitioner argues, is due to subjectivity of different Cal/OSHA inspectors and experience in the field that fall protection plans are not accepted.

2.6 New Regulations Will Worsen the Condition of Unaffordable Housing in California.

The petitioner asserts the new regulations will add substantial costs to build houses. The added time to install fall protection will exceed the time to perform framing work. The petitioner also asserts that contractors have no clear compliance options and are left with having to violate the new regulatory changes and set aside funds to pay citations and legal fees.

2.7 Proposed New Title 8 Sections 1671.3

The petitioner proposed the following regulatory language for new title 8 section 1671.3 Residential Framing Fall Protection Plan in the Construction Safety Orders.

Section 1671.3 Residential Framing Fall Protection Plan

(a) This section applies to all residential framing operations when it can be shown by the employer that the use of conventional fall protection is infeasible or creates a greater hazard.(1) The residential framing fall protection plan shall be prepared by a qualified person and developed specifically for the site or sites where the framing is being performed and the plan must be maintained up to date. The plan shall document the identity of the qualified person. The employer need only develop a single residential framing fall protection plan for sites where the framing operations are essentially identical.

(2) Any changes to the residential framing fall protection plan shall be approved by a qualified person. The identity of the qualified person shall be documented.

(3) A copy of the fall protection plan with all approved changes shall be maintained at the job site.

(4) The implementation of the fall protection plan shall be under the supervision of a competent person. The plan shall document the identity of the competent person.

(5) The fall protection plan shall document the reasons why the use of conventional fall protection systems (guardrails, personal fall arrest systems, or safety nets) are infeasible or why their use would create a greater hazard.

(6) The fall protection plan shall include a written discussion of other measures that will be taken to reduce or eliminate the fall hazard for workers who cannot be provided with protection provided by conventional fall protection systems. For example, the employer shall discuss the extent to which scaffolds, ladders, or vehicle mounted work platforms can be used to provide a safer working surface and thereby reduce the hazard of falling.

(7) The residential framing fall protection plan shall identify each framing process and elevation where conventional fall protection methods cannot be used. These locations shall then be classified as controlled framing zones and the employer must ensure that only employees trained in the residential framing fall protection plan are working in the framing zone. No other employees may enter controlled framing zones.

(8) In the event an employee falls, or some other related, serious incident occurs (e.g., a near miss), the employer shall investigate the circumstances of the fall or other incident to determine if the residential framing fall protection plan needs to be changed (e.g., new practices, procedures, or training) and shall implement those changes to prevent similar types of falls or incidents.

3.0 APPLICABLE TITLE 8 REGULATIONS

3.1 Title 8 Section 1671.1 Fall Protection Plan

Current title 8 section 1671.1 covers general requirements for the establishing, documenting, and, implementing a fall protection plan when it can be shown by an employer that conventional fall protection is infeasible or creates a greater hazard.

Subchapter 4. Construction Safety Orders
Article 24. Fall Protection

§1671.1. Fall Protection Plan.

(a) This section applies to all construction operations when it can be shown by the employer that the use of conventional fall protection is infeasible or creates a greater hazard.

Note: There is a presumption that conventional fall protection is feasible and will not create a greater hazard. Accordingly, the employer has the burden of establishing that conventional fall protection is infeasible or creates a greater hazard.

(1) The fall protection plan shall be prepared by a qualified person and developed specifically for the site where the construction work is being

performed and the plan must be maintained up to date. The plan shall document the identity of the qualified person.

(2) Any changes to the fall protection plan shall be approved by a qualified person. The identity of the qualified person shall be documented.

(3) A copy of the fall protection plan with all approved changes shall be maintained at the job site.

(4) The implementation of the fall protection plan shall be under the supervision of a competent person. The plan shall document the identity of the competent person.

(5) The fall protection plan shall document the reasons why the use of conventional fall protection systems (guardrails, personal fall arrest systems, or safety nets) are infeasible or why their use would create a greater hazard.

(6) The fall protection plan shall include a written discussion of other measures that will be taken to reduce or eliminate the fall hazard for workers who cannot be provided with protection provided by conventional fall protection systems. For example, the employer shall discuss the extent to which scaffolds, ladders, or vehicle mounted work platforms can be used to provide a safer working surface and thereby reduce the hazard of falling.

(7) The fall protection plan shall identify each location where conventional fall protection methods cannot be used. These locations shall then be classified as controlled access zones and the employer must comply with the criteria in Section 1671.2(a).

(8) Where no other alternative measure (i.e. scaffolds, ladders, vehicle mounted work platforms, etc.) has been implemented, the employer shall implement a safety monitoring system in conformance with Section 1671.2(b).

(9) The fall protection plan must include a statement which provides the name or other method of identification for each employee (i.e., job title) who is designated to work in controlled access zones. No other employees may enter controlled access zones.

(10) In the event an employee falls, or some other related, serious incident occurs (e.g., a near miss), the employer shall investigate the circumstances of the fall or other incident to determine if the fall protection plan needs to be changed (e.g., new practices, procedures, or training) and shall implement those changes to prevent similar types of falls or incidents.

3.2 Title 8 Section 1671.2 Controlled Access Zones and Safety Monitoring Systems

Title 8 section 1671.1 includes references to requirements included in section 1671.2 of the Construction Safety Orders which addresses the use of controlled access zones and safety monitoring systems. Section 1671.2 includes requirements for the installation and use of controls lines to demarcate controlled access zones and assigning of a competent person to monitor employees for fall hazards and restricting access to a controlled access zone.

Subchapter 4. Construction Safety Orders
Article 24. Fall Protection

§1671.2. Controlled Access Zones and Safety Monitoring Systems.

(a) Controlled access zones.

(1) When used to control access to areas where leading edge and other operations are taking place, the controlled access zone shall be defined by a control line or by any other means that restricts access. Signs shall be posted to warn unauthorized employees to stay out of the controlled access zone.

(2) When control lines are used, they shall be erected not less than 6 feet nor more than 25 feet from the unprotected or leading edge, except when erecting precast concrete members.

(3) When erecting precast concrete members, the control line shall be erected not less than 6 feet nor more than 60 feet or half the length of the member being erected, whichever is less, from the leading edge.

(4) The control line shall extend along the entire length of the unprotected or leading edge and shall be approximately parallel to the unprotected or leading edge.

(5) The control line shall be connected on each side to a standard railing or wall, or securely anchored on each end.

(6) Control lines shall consist of ropes, wires, tapes, or equivalent materials, and supporting stanchions as follows:

(A) Each line shall be flagged or otherwise clearly marked at not more than 6-foot intervals with high-visibility material.

(B) Each line shall be rigged and supported in such a way that its lowest point (including sag) is not less than 39 inches from the working level/working area and its highest point is not more than 45 inches.

(C) Each line shall have a minimum breaking strength of 200 pounds.

(b) Safety monitoring systems.

(1) The employer shall designate a competent person to monitor the safety of other employees and the employer shall ensure that the safety monitor complies with the following requirements:

(A) The safety monitor shall be competent to recognize fall hazards;

(B) The safety monitor shall warn the employee when it appears that the employee is unaware of a fall hazard or is acting in an unsafe manner;

(C) The safety monitor shall be within visual sighting distance of the employee and shall always be in communication with the employee being monitored; and,

(D) The safety monitor shall not have other responsibilities which could take the monitor's attention from the monitoring function.

(2) No employee, other than an employee covered by a fall protection plan, shall be allowed in an area where an employee is being protected by a safety monitoring system.

(3) Each employee working in a controlled access zone shall be directed to comply promptly with fall hazard warnings from safety monitors.

4.0 APPLICABLE FEDERAL OSHA REGULATIONS

4.1 29 CFR Subsection 1926.502(k) Fall Protection Plan

Federal OSHA addresses requirements for fall protection plans in construction in 29 CFR subsection 1926.502(k). Section 1926.502(k) includes general requirements for the establishing, documenting, and implementing a fall protection plan when an employer can demonstrate that conventional fall protection is infeasible or creates a greater hazard.

Safety and Health Regulations for Construction
1926 Subpart M - Fall Protection

1926.502 General.

1926.502(k)

Fall protection plan. This option is available only to employees engaged in leading edge work, precast concrete erection work, or residential construction work (See § 1926.501(b)(2), (b)(12), and (b)(13)) who can demonstrate that it is infeasible or it creates a greater hazard to use conventional fall protection equipment. The fall protection plan must conform to the following provisions.

1926.502(k)(1)

The fall protection plan shall be prepared by a qualified person and developed specifically for the site where the leading edge work, precast concrete work, or residential construction work is being performed and the plan must be maintained up to date.

1926.502(k)(2)

Any changes to the fall protection plan shall be approved by a qualified person.

1926.502(k)(3)

A copy of the fall protection plan with all approved changes shall be maintained at the job site.

1926.502(k)(4)

The implementation of the fall protection plan shall be under the supervision of a competent person.

1926.502(k)(5)

The fall protection plan shall document the reasons why the use of conventional fall protection systems (guardrail systems, personal fall arrest systems, or safety nets systems) are infeasible or why their use would create a greater hazard.

1926.502(k)(6)

The fall protection plan shall include a written discussion of other measures that will be taken to reduce or eliminate the fall hazard for workers who cannot be provided with protection from the conventional fall protection systems. For example, the employer shall discuss the extent to which scaffolds, ladders, or vehicle mounted work platforms can be used to provide a safer working surface and thereby reduce the hazard of falling.

1926.502(k)(7)

The fall protection plan shall identify each location where conventional fall protection methods cannot be used. These locations shall then be classified as controlled access zones and the employer must comply with the criteria in paragraph (g) of this section.

1926.502(k)(8)

Where no other alternative measure has been implemented, the employer shall implement a safety monitoring system in conformance with § 1926.502(h).

1926.502(k)(9)

The fall protection plan must include a statement which provides the name or other method of identification for each employee who is designated to work in controlled access zones. No other employees may enter controlled access zones.

1926.502(k)(10)

In the event an employee falls, or some other related, serious incident occurs, (e.g., a near miss) the employer shall investigate the circumstances of the fall or other incident to determine if the fall protection plan needs to be changed (e.g. new practices, procedures, or training) and shall implement those changes to prevent similar types of falls or incidents.

4.2 29 CFR Subsection 1926.502(g)

Subsection 1926.502(k) includes references to requirements included in subsection 1926.502(g) which addresses the use of controlled access zones. Specifically, subsection 1926.502(g) includes requirements for the installation and use of controls lines to demarcate controlled access zones.

Safety and Health Regulations for Construction
1926 Subpart M - Fall Protection

1926.502 General.

1926.502(g)

Controlled access zones. Controlled access zones [See §§ 1926.501(b)(9) and 1926.502(k)] and their use shall conform to the following provisions.

1926.502(g)(1)

When used to control access to areas where leading edge and other operations are taking place the controlled access zone shall be defined by a control line or by any other means that restricts access.

1926.502(g)(1)(i)

When control lines are used, they shall be erected not less than 6 feet (1.8 m) nor more than 25 feet (7.7 m) from the unprotected or leading edge, except when erecting precast concrete members.

1926.502(g)(1)(ii)

When erecting precast concrete members, the control line shall be erected not less than 6 feet (1.8 m) nor more than 60 feet (18 m) or half the length of the member being erected, whichever is less, from the leading edge.

1926.502(g)(1)(iii)

The control line shall extend along the entire length of the unprotected or leading edge and shall be approximately parallel to the unprotected or leading edge.

1926.502(g)(1)(iv)

The control line shall be connected on each side to a guardrail system or wall.

1926.502(g)(2)

When used to control access to areas where overhand bricklaying and related work are taking place:

1926.502(g)(2)(i)

The controlled access zone shall be defined by a control line erected not less than 10 feet (3.1 m) nor more than 15 feet (4.5 m) from the working edge.

1926.502(g)(2)(ii)

The control line shall extend for a distance sufficient for the controlled access zone to enclose all employees performing overhand bricklaying and related work at the working edge and shall be approximately parallel to the working edge.

1926.502(g)(2)(iii)

Additional control lines shall be erected at each end to enclose the controlled access zone.

1926.502(g)(2)(iv)

Only employees engaged in overhand bricklaying or related work shall be permitted in the controlled access zone.

1926.502(g)(3)

Control lines shall consist of ropes, wires, tapes, or equivalent materials, and supporting stanchions as follows:

1926.502(g)(3)(i)

Each line shall be flagged or otherwise clearly marked at not more than 6-foot (1.8 m) intervals with high-visibility material.

1926.502(g)(3)(ii)

Each line shall be rigged and supported in such a way that its lowest point (including sag) is not less than 39 inches (1 m) from the walking/working surface and its highest point is not more than 45 inches (1.3 m) [50 inches (1.3 m) when overhand bricklaying operations are being performed] from the walking/working surface.

1926.502(g)(3)(iii)

Each line shall have a minimum breaking strength of 200 pounds (.88 kN).

1926.502(g)(4)

On floors and roofs where guardrail systems are not in place prior to the beginning of overhand bricklaying operations, controlled access zones shall be enlarged, as necessary, to enclose all points of access, material handling areas, and storage areas.

1926.502(g)(5)

On floors and roofs where guardrail systems are in place, but need to be removed to allow overhand bricklaying work or leading edge work to take place,

only that portion of the guardrail necessary to accomplish that day's work shall be removed.

4.3 29 CFR Subsection 1926.502(h) Safety Monitoring Systems

Subsection 1926.502(k) also includes references to requirements included in subsection 1926.502(h) which addresses the use of safety monitoring systems. Subsection 1926.502(h) includes requirements for the assigning of a competent person to monitor employees for fall hazards and restricting access to a controlled access zone.

Safety and Health Regulations for Construction
1926 Subpart M - Fall Protection

1926.502 General.

1926.502(h)

Safety monitoring systems. Safety monitoring systems [See §§ 1926.501(b)(10) and 1926.502(k)] and their use shall comply with the following provisions:

1926.502(h)(1)

The employer shall designate a competent person to monitor the safety of other employees and the employer shall ensure that the safety monitor complies with the following requirements:

1926.502(h)(1)(i)

The safety monitor shall be competent to recognize fall hazards;

1926.502(h)(1)(ii)

The safety monitor shall warn the employee when it appears that the employee is unaware of a fall hazard or is acting in an unsafe manner;

1926.502(h)(1)(iii)

The safety monitor shall be on the same walking/working surface and within visual sighting distance of the employee being monitored;

1926.502(h)(1)(iv)

The safety monitor shall be close enough to communicate orally with the employee; and

1926.502(h)(1)(v)

The safety monitor shall not have other responsibilities which could take the monitor's attention from the monitoring function.

1926.502(h)(2)

Mechanical equipment shall not be used or stored in areas where safety monitoring systems are being used to monitor employees engaged in roofing operations on low-slope roofs.

1926.502(h)(3)

No employee, other than an employee engaged in roofing work [on low-sloped roofs] or an employee covered by a fall protection plan, shall be allowed in an area where an employee is being protected by a safety monitoring system.

1926.502(h)(4)

Each employee working in a controlled access zone shall be directed to comply promptly with fall hazard warnings from safety monitors.

5.0 CAL/OSHA ANALYSIS

5.1 Equally Effective Regulations of State OSHA Programs Required by Law

Both 29 CFR subsection 1902.1(b) and California Labor Code subsection 143.2(a)(2) require the state OSHA program to adopt regulations that are as at least as effective as federal regulations. The title 8 fall protection requirements that recently went into effect were based on the federal OSHA opinion that the previous versions of the title 8 regulations were not at least as effective as the federal regulations. If the State of California failed to comply with 29 CFR subsection 1902.1(b), it would result in federal OSHA taking enforcement authority over those activities for the regulations that are not considered commensurate. Such a scenario could result in the enforcement of federal OSHA regulations which are substantially similar to the approved title 8 regulation and require fall protection in residential construction at a working height of six feet.

5.2 Employers Have Had Sufficient Time to Comply with the Amended Regulations

On December 16, 2010, Federal OSHA published Compliance Directive [STD 03-11-002 Compliance Guideline for Residential Construction](#) with an enforcement date of June 16, 2011. This directive requires workers engaged in residential construction six feet or more above lower levels to be protected from falls by conventional fall protection. During this time, federal OSHA began reviewing all corresponding state plan standards to ensure conformance to the six feet trigger height.

On May 28, 2013, Fed-OSHA communicated to the Standards Board that California's residential fall protection standards were not commensurate to federal standards. In a letter dated February 4, 2015, federal OSHA identified the following key areas where Cal/OSHA title 8 standards differ significantly from federal standards:

1. A trigger height for all fall protection in residential construction greater than six feet;
2. An allowance for a fall protection plan when conventional fall protection is "impractical" as opposed to "infeasible";
3. An exemption for fall protection when work is of "short duration" and "limited exposure" regardless of height;
4. An allowance for the use of slide guards¹ in lieu of fall protection;
5. Ambiguities or unclear language, such as "any other means prescribed by CSO Article 24".

Standards Board staff convened an advisory committee on April 11, 2016 with participation from federal OSHA, Cal/OSHA, and representatives from the California Framing Contractors, Residential Contractors Association, Housing Contractors of California (formerly California Professional Association of Specialty Contractors) which included the petitioner.

¹ Slide guards are 2-inch nominal cleats fastened to the roof sheathing to provide a footing on sloped roofs.

The July 1, 2025 regulatory change is the result of concerns expressed by federal OSHA and a lengthy rule-making effort by the Standards Board beginning in 2016. This nine-year period provided ample time for the regulated public to prepare and transition to the amended fall protection requirements and provide training to employees.

5.3 Options for Fall Protection

The July 1, 2025 regulatory changes provide various fall protection options for construction workers at fall height from six to 15 feet. Also, the federal OSHA Guidance Document titled *Fall Protection in Residential Construction* describes various stages of residential construction work with options to protect workers against fall hazards. Additionally, [federal OSHA Directive STD 03-11-002 Compliance Guidance for Residential Construction](#) outlines various types of conventional fall protection and other methods that can be used to protect against fall at various stages which includes the use of guardrails, various scaffold types, personnel lifts, telescoping and articulating boom lifts, safety nets, fall arrest, and fall restraints. Finally, section 1671.1 provides the option of a fall protection plan whenever conventional fall protection is infeasible or creates a greater hazard. These means of fall protection and alternatives as well as the requirement that they be implemented at six feet have been included in federal OSHA regulation since 1994 and enforced in states within federal OSHA jurisdiction since 2011.

5.4 Cal/OSHA Citations Must be Based on Violations of Title 8 Regulations

The petitioner claims that residential construction general contractors have been informed by representatives of Cal/OSHA that they would receive citations based solely on the use of ladders, attaching fall protection to unsheathed nine-foot residential structures, and use of fall protection plans. However, citations from the Cal/OSHA Enforcement Unit may only be issued if a violation of title 8 regulations is established. None of the scenarios described by the petitioner represent prima facie violations of title 8 regulations. Although citations could be issued if Cal/OSHA established that a violation existed when using a ladder, fall protection, or a fall protection plan, citations could not be issued simply for the use of such methods.

5.5 Petitioner's Proposal of New Section 1671.3 is Less Protective than Current Title 8 Regulations.

The petitioner's proposal for section 1671.3 is based on the current title 8 regulatory language under section 1671.1 with various proposed additions and deletions. The following text illustrates the petitioner's proposal as changes to the current language under 1671.1 in underline strikethrough format to provide a clear understanding of how the proposal compares to existing regulation.

Section 1671.3 Residential Framing Fall Protection Plan

(a) This section applies to all ~~construction operations~~ residential framing operations when it can be shown by the employer that the use of conventional fall protection is infeasible or creates a greater hazard.

~~Note: There is a presumption that conventional fall protection is feasible and~~

~~will not create a greater hazard. Accordingly, the employer has the burden of establishing that conventional fall protection is infeasible or creates a greater hazard.~~

(1) The residential framing fall protection plan shall be prepared by a qualified person and developed specifically for the site or sites where the ~~construction work~~ framing is being performed and the plan must be maintained up to date. The plan shall document the identity of the qualified person. The employer need only develop a single residential framing fall protection plan for sites where the framing operations are essentially identical.

(2) Any changes to the residential framing fall protection plan shall be approved by a qualified person. The identity of the qualified person shall be documented.

(3) A copy of the fall protection plan with all approved changes shall be maintained at the job site.

(4) The implementation of the fall protection plan shall be under the supervision of a competent person. The plan shall document the identity of the competent person.

(5) The fall protection plan shall document the reasons why the use of conventional fall protection systems (guardrails, personal fall arrest systems, or safety nets) are infeasible or why their use would create a greater hazard.

(6) The fall protection plan shall include a written discussion of other measures that will be taken to reduce or eliminate the fall hazard for workers who cannot be provided with protection provided by conventional fall protection systems. For example, the employer shall discuss the extent to which scaffolds, ladders, or vehicle mounted work platforms can be used to provide a safer working surface and thereby reduce the hazard of falling.

(7) The residential framing fall protection plan shall identify each ~~location~~ framing process and elevation where conventional fall protection methods cannot be used. These locations shall then be classified as controlled ~~access~~ framing zones and the employer must ~~comply with the criteria in Section 1671.2(a).~~ ensure that only employees trained in the residential framing fall protection plan are working in the framing zone. No other employees may enter controlled framing zones.

~~(8) Where no other alternative measure (i.e. scaffolds, ladders, vehicle-mounted work platforms, etc.) has been implemented, the employer shall implement a safety monitoring system in conformance with Section 1671.2(b).~~

~~(9) The fall protection plan must include a statement which provides the name or other method of identification for each employee (i.e., job title) who is designated to work in controlled access zones. No other employees may enter controlled access zones.~~

~~(10)~~ In the event an employee falls, or some other related, serious incident occurs (e.g., a near miss), the employer shall investigate the circumstances of the fall or other incident to determine if the fall protection plan needs to be changed (e.g., new practices, procedures, or training) and shall implement those changes to prevent similar types of falls or incidents.

As indicated in the above text, the petitioner's proposal is less protective than current title 8 regulations as it removes four key requirements. The first of these is the requirement for fall

protection plans to be established for each specific work site. The petitioner's proposed language within subsection 1671.1(a) to allow for a single fall protection plan for framing construction sites that are essentially identical was drafted nearly verbatim from a note to subsection 1671.1(a) that included prior to the current regulation. This note was deleted by Standards Board staff during the 2025 rulemaking to address federal OSHA objections that the note allowed for fall protection plans that were not site specific.

Secondly, the proposed text completely removes all references to subsection 1671.2(b) requirements for safety monitors within a controlled access zone. Deletion of these references would allow for employees to work at unprotected edges of structures with nothing more than a control line demarcating unprotected and leading edges. Controls lines are utilized only as a warning indicator of an unprotected edge and do not have the capacity prevent falls. The purpose of a safety monitor is to provide an additional layer of protection as this competent person can identify and warn an employee who may be exposed to a fall hazard. This is an important element of the regulation as an employee may be distracted by their work tasks and not realize they are encroaching upon a control line or an unprotected edge. No equivalent requirement was proposed by the petitioners and the deletion of this requirement would reduce the effectiveness of title 8 and worker safety.

The petitioner also proposes to remove the requirement in the fall protection plan for the employer to identify those employees who are designated to work within a controlled access zone. The purpose of this requirement is to ensure that only those employees who are aware of and have been properly trained to work within a controlled access zone are permitted to work in the zone. No equivalent language was included by the petitioner for this requirement nor any argument as to why this deletion provides equal safety. Cal/OSHA believes that this proposal significantly diminishes worker safety.

5.6 The Petitioner's Proposal is not Commensurate with Federal OSHA Regulations

Title 8 sections 1671.1, 1671.2 and 1671.3 include requirements for fall protection plans, controlled access zones, and safety monitors that are nearly identical to federal OSHA regulations under 29 CFR subsections 1926.502(g), 1926.502(h), and 1926.502(k). Therefore, the petitioner's proposal for new title 8 section 1671.3 would not be commensurate with federal OSHA regulations. This proposal would certainly fall under the same scrutiny from federal OSHA which initiated the recent amendments to the title 8 residential fall protection regulations and would be not be considered at least as effective as federal regulations pursuant to 29 CFR subsection 1902.1(b) and California Labor Code subsection 143.2(a)(2).

5.7 No Data Presented for Increased Costs of California housing.

The petitioner's assertion that the July 1, 2025 regulatory changes to title 8 will result in more injuries to workers and higher costs for housing appears to be based on opinion only. No data, studies, or cost assessments were provided by the petitioner to substantiate this claim. Based on the sustained residential construction industry in the United States outside of California, it would appear that cost for implementing fall protection at six feet is not an issue as regulations substantially similar to the approved title 8 regulations have been in effect in many other states since 2011. Finally, new technology and cost-effective innovation within the industry as well as

a potential reduction in costly workers' compensation claims from falls should also be considered in such an analysis.

6.0 CONCLUSION

Cal/OSHA recommends Petition file No. 607 be DENIED.

cc: Debra Lee, Cal/OSHA Chief