


Memorandum

To: Marley Hart, Executive Officer
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

Date: December 31, 2013

From: Juliann Sum, Acting Chief 
Division of Occupational Safety and Health

Subject: Division Evaluation of Petition
Walter Wise, Petition File No.537

The Division reviewed Petition File No. 537 submitted by Walter Wise, General President of the Ironworkers Union. Mr. Wise indicated there are requirements in ANSI/ASSE A10.9-2013 (Safety Requirements for Concrete and Masonry Work) that would be applicable to the reinforced concrete construction industry, and should be adopted into the Construction Safety Orders. The petition contains proposed requirements for Site Access and Layout, Written Notifications Prior to Commencement of Reinforcing Steel Activities, Stability for Reinforcing Assemblies, Impalement Protection and Custody of Impalement Protection, Hoisting and Rigging Reinforcement Assemblies, Post Tensioning Activities, Fall Protection, Formwork and Falsework Stability and Training. The assignment of certain responsibilities to a controlling contractor such as site preparation, stability of formwork, custody of rebar protective covers would improve safety for other job site employees. The Occupational Safety and Health Standards Board previously adopted similar requirements for controlling contractors for structural steel erection in CSO Section 1710.

Existing Standards:

The Division has existing standards in Title 8 section 1711 Oiling Forms, 1712 Hazards Associated with the Use of Reinforcing Steel and Similar Projections, 1713, Framing and Concrete Forms, 1717 Falsework and Vertical Shoring and 1721 Post-Tensioning Operations.

Federal and Other Standards:

Federal OSHA has some concrete construction standards in 29 CFR 1926 Subpart Q for protruding rebar guarding, post tensioning and form work. The National Consistence Standard ANSI/ASSE A10.9-2013 (Safety Requirements for Concrete and Masonry Work) is the basis for the petition.

Discussion:

It is the Division's opinion that some of the sections of Article 29 of the Construction Safety Orders are more effective that the proposed language and a thorough comparison should be made. All of the Petitioner's proposed standard does not fit into Section 1712 and is covered in other sections. The Division recommends that Board consider reorganizing Sections 1711, 1712, 1713, 1717 and 1721 to include the proposed concrete construction standards as follows:

- In some cases Article 29 contains duplicate requirements to the proposed language, and insertion of the same language into Section 1712 would create confusion.

- Article 29 already contains more effective requirements than the language proposed in the petition. An example of this is the proposed language about impalement protection in Section IV of the proposal, which is in our view less effective than the current language in Section 1712. Placing all, or even the majority, of the proposed language in Section 1712 would change that section into a set of safety requirements limited to the placement and installation of reinforcing steel and concrete. The impalement protection requirements apply to all construction trades and operations, and should remain in a dedicated section.
- The fall protection requirements in Section 1712 need to be referenced in Article 29 as part of this rulemaking.
- Revise section 1713 to include the requirements for oiling forms that are presently section 1711.
- Retitle section 1711 to include general requirements for concrete construction.
- Revise section 1717 to include falsework construction and removal. The current language in Section 1717 requires engineered plans and calculations for all falsework to be kept on site.
- Revise section 1721 to include additional proposed standards for post tensioning.

Conclusion:

The Division recommends that the Board should approve the petition, to the extent that an advisory committee is established to consider the petition and specific language that should be adopted. The Division will work with the Board Staff to develop a Form 9 covering the revisions necessary to incorporate the proposed changes. The advisory committee should include labor representatives, concrete construction, reinforcing steel contractors, and general contractors to consider this Petition. The Division looks forward to working with the Petitioner, stakeholders and Board Staff on this Petition.

cc: Larry McCune, SSE
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