

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

## CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 7, Subchapter 21, Article 1, Section 8615  
of the Telecommunications Safety Orders

Fall Protection for Telecommunications Workers**MODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM  
THE 45-DAY PUBLIC COMMENT PERIOD**

There are no modifications to the information contained in the Initial Statement of Reasons.

**Summary and Response to Oral and Written Comments**I. Written Comments:

Mr. Frank Strasheim, Regional Administrator, Region IX, U.S. Department of Labor,  
Occupational Safety and Health Administration (Federal OSHA), by letter dated April 20, 2005.

Comment:

Mr. Strasheim stated that the proposal provides a height requirement consistent with Federal OSHA standards. The standard's elimination of the use of body belts or safety straps as a means of personal fall protection ensures employees have protection consistent with best practices and is more protective than the federal standard at this time. Mr. Strasheim stated that the proposed standard, however, does not address performance/use requirements/specifications as found in 29 CFR 1910.268(g)(2) and 1910.269(g)(2). Consequently, Federal OSHA is unable to determine whether the proposal is at least as effective as the federal standard.

Response:

CFR 1910.268(g)(2) refers to the Federal OSHA telecommunication standard for personal climbing equipment; specifically, telecommunication workers' body belts, safety straps, and lanyards. The Title 8 counterpart standard addressing this issue is found in Section 8605(c), which states:

*“(c) Telecommunication lineman’s body belts, safety straps and lanyards shall meet the requirements contained in Section 2940.6(c) of the High Voltage Electrical Safety Orders.”*

Section 2940.6(c) of the High Voltage Electrical Safety Orders (HVESO) states:

*“(c) Lineman’s Body Belts, Safety Straps and Lanyard.*

*(1) Lineman’s body belts and safety straps purchased after January 1, 1993, shall be labeled as meeting the requirements contained in ASTM F887-91, Standard Specifications for Personal Climbing Equipment.*

*EXCEPTION: Lineman’s body belts and safety straps purchased before January 1, 1993 which are labeled/tagged as meeting either the ANSI A10.14 or ASTM F887 Standard in effect at the time of purchase.*

*(2) Body belts, safety straps and lanyards shall be inspected by a qualified person each day before use to determine that they are safe. Those determined to be unsafe shall be immediately removed from service.*

*(3) Safety straps shall not be used when any portion of the red safety marker strip in the strap is exposed.*

*(4) Leather shall not be used for safety straps.”*

The federal standard refers to fall protection for electric power generation, transmission and distribution, which is essentially equivalent in scope and application to California’s HVESO Section 2940.6(c). One important difference is that California’s HVESO fall protection standard references industry-specific fall protection standards, ASTM F887, for equipment purchased after 1993, and addresses both the ASTM and ANSI A10.14 construction standard for older equipment. The ASTM F887 standard addresses more recent, state-of-the art design, construction and performance issues addressed in 1910.268(g)(2). California requires telecommunication equipment to meet the same standards for fall protection specified in the HVESO. California’s telecommunication fall protection standard is more stringent than the federal standard, which references an outdated ASTM B11 standard from 1964. Also, Board staff notes that while Federal OSHA permits the use of leather straps for telecommunication workers under certain conditions, they are prohibited for use in California.

Since the federal standards contained in 29 CFR 1910.268(g)(2) and 1910.269(g)(2) are addressed in Title 8, the Board believes no modification of the proposal is necessary. The Board acknowledges Federal-OSHA Region IX’s comment and participation in the rulemaking process.

Mr. Jay A. Weir, CSP, Senior Manager-Safety Operations, SBC Corporate Safety and Health, by letter received at the April 21, 2005, Public Hearing held in Oakland, California.

Comment:

Mr. Weir stated that the vertical telecommunication standard found in both California and Federal OSHA regulations are based on SBC’s standard practices. Mr. Weir stated that SBC disagrees with the Board’s finding contained in the Informative Digest that SBC employees were placed at risk while working at a fixed position or during point-to-point travel. Mr. Weir stated

that SBC employees are highly trained to perform their jobs safely and that the climbing methods they use were upgraded to a three-point method in 1975. Mr. Weir stated that this method requires three points of contact while climbing and is an example of telecommunication workers performing their jobs in a manner that is unique and distinct from electric utility workers.

Mr. Weir stated that SBC agrees in principle with the proposed changes, but requests clarification to ensure that SBC meets the proposed requirements. SBC seeks to maintain their distinction from other industries along with their recognized, proven methods for protecting their employees from fall hazards. Mr. Weir stated that it is SBC's belief that the proposed changes will maintain a qualified telecommunications technician's ability to climb utility poles in the same manner using point-to-point travel to get to their work position where positioning devices are used to provide fall protection. Moreover, it will maintain the industry standard of using positioning devices in aerial lift vehicles, which include an approved aerial safety belt with a two-foot lanyard while in the bucket, a method Mr. Weir states as being recognized by OSHA as meeting the intent of the new fall protection standards by not allowing a free fall in excess of two feet.

Response:

The Board acknowledges the safe work practices of SBC and notes that the proposal is intended to recognize and confirm the industry's effective handling of employee risk by codifying what is already telecommunication industry practice. Nothing in the proposal would preclude or prohibit SBC from utilizing the three point system of anchorage.

The proposal requires telecommunication workers exposed to the risk of a fall of more than 4 feet to be provided with fall protection, which includes but is not limited to the use of work positioning systems, except where qualified workers are traveling point-to-point as permitted in the exception. Consistent with other Title 8 Safety Orders, Federal OSHA, and national consensus standards, the proposal maintains the prohibition on the use of body belts as part of a fall arrest system (emphasis added). The Board wishes to emphasize that the proposal does not prohibit the use of a full body harness with attached lanyard in lieu of a body belt as part of a work positioning system or a travel restricting system.

The Board believes that no modification of the proposed language is necessary in light of Mr. Weir's comments.

The Board thanks Mr. Weir for his comments and participation in the Board's rulemaking process.

Mr. Tony Bixler, Vice President, Communication Workers of America (CWA) District 9, by letter submitted at the April 21, 2005, Public Hearing held in Oakland, California.

Comment:

Mr. Bixler stated that the CWA strongly supports the proposed amendments to Section 8615(g) of the Telecommunications Safety Orders. Handwritten annotations added to the letter indicate that clarification is needed as stated in the letter by Mr. Weir of SBC dated April 21, 2005. Mr. Bixler discussed scientific studies from the 1970's that show that body belts can cause internal injuries, asphyxiation, etc. Mr. Bixler cited a French study from 1978 describing hazards that workers might encounter when using a body belt. The same French researchers submitted testimony to federal OSHA that the use of full body harnesses should be the method of choice for individual fall protection. Mr. Bixler also cited an American Society of Safety Engineers (ASSE) fall protection document supporting the use of full body harnesses over the use of a body belt because of its ability to spread fall arresting forces evenly throughout the body. The use of the full body harness permits workers who should fall and find themselves suspended to be able to breath without the threat of asphyxiation.

Mr. Bixler also indicated that in 2003, the National Institute for Occupational Safety and Health (NIOSH) stated in a separate study that worker safety in the construction industry has improved as a result of Federal OSHA's requirement mandating the use of full body harnesses as part of a fall arrest system. Mr. Bixler indicated that the use of the full body harness is important to CWA members particularly to telecommunication workers who perform tasks in remote locate locations where prompt rescue is less likely in the event of a fall.

Response:

See the Board's response to Mr. Weir's letter delivered to the Board at the April 21, 2005, Public Hearing.

The Board would like to emphasize that the proposal is consistent with industry practice, Federal OSHA standards, NIOSH, national consensus standards, and Title 8 construction industry standards in that it prohibits the use of body belts as part of a fall arrest system. The proposal does not (emphasis added) prohibit the use of a full body harness as part of a fall positioning or travel restricting system. Consequently, the Board does not believe any modification of the proposal is warranted.

The Board would like to thank Mr. Bixler for his comment and participation in the Board's rulemaking process.

II. Oral Comments:

Oral comments received at the April 21, 2005, Public Hearing held in Oakland, California.

Ms. Lorraine Darrington, Administrative Assistant to the Vice President, representing, Communication Workers of America District 9.

Comment:

Ms. Darrington essentially read the written comment letter from Mr. Tony Bixler, Vice President, CWA, submitted to the Board at the April 21, 2005, Public Hearing.

Response:

See the Board's response to Mr. Bixler's letter submitted by Ms. Lorraine Darrington to the Board at the April 21, 2005, Public Hearing.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.