

**OCCUPATIONAL SAFETY
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Attachment No. 3

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 4, Article 20, Section 1635, and
Article 29, Section 1710 of the Construction Safety Orders (CSO).

Structural Steel Erection Safety Standards

Federal OSHA promulgated regulations addressing Safety Standards for Steel Erection in its Final Rule published January 18, 2001 as part of 29 Code of Federal Regulations (CFR), Subpart R, Sections 1926.750 to 1926.761. In order to allow industry time to comply with the new standard, federal OSHA extended the effective date of the new standard to January 18, 2002.

In response to the Federal Final Rule, the Occupational Safety and Health Standards Board (Board) [in a previous rulemaking action] adopted a majority of requirements contained in Subpart R, under the provisions of the California Labor Code, Section 142.3(a)(3) which addresses the adoption of regulations “substantially the same” as the federal standard(s). These amendments were adopted by the Board at its March 21, 2002 Public Hearing so that the State’s steel erection regulations in Title 8 would be at least as effective as the federal standard and became effective for the State on May 1, 2002.

This current rulemaking action was developed with the assistance of an advisory committee convened to address comments received on the rulemaking discussed above and to consider adoption of provisions in the federal counterpart steel erection standard related to multiple rigging procedures and establishing controlled decking zones. The proposal also addresses the iron worker practice of shinning columns¹ and proposes amendments to other regulations as outlined below that are in existing Title 8, CSO Section 1710.

¹ The “shinning of columns” means the practice of vertically climbing up or down structural steel columns by ironworkers during connecting work.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

Section 1635. Floors, Walls and Structural Steel Framed Buildings.

Subsection (b)(6)

Section 1635(b), in part, contains requirements related to the installation of floors and decking for structural steel framed buildings. Existing subsection (b)(6) states that wire mesh or plywood (exterior grade) shall be used to cover openings adjacent to columns where planks do not fit tightly. An amendment is proposed to add that openings adjacent to columns must be covered where planks “or metal decking” do not fit tightly. The amendment to add the phrase “or metal decking” is necessary to clarify that openings in metal decking near columns are also required to be covered.

Subsection (b)(11)

Existing subsection (b)(11) states that when gathering or stacking temporary floor planks from the last panel, that personnel shall be protected by “safety belts with life lines attached to a catenary line or other substantial anchorage.” An amendment is proposed to delete the quoted language above and require such personnel to be protected by “a personnel fall protection system used in accordance with Article 24.” Safety belts are no longer permitted for use in fall arrest systems. The proposed amendment is necessary to ensure fall protection equipment is used in accordance with existing requirements in the CSO, Article 24.

Section 1710. Structural Steel Erection.

Section 1710 sets forth requirements to protect employees from the hazards associated with steel erection activities involved in the construction, alteration, and/or repair of single and multi-story buildings, bridges, and other structures where steel erection occurs.

Subsections (a)(3) & (4)

Existing subsection (a)(3) lists subsections (c)(1) & (3), (f)(2)(B), (j)(2) and (o) in Section 1710 that include duties related to controlling contractors. A proposed amendment is necessary to delete the phrase “but are not limited to,” which could present a clarity issue with respect to the controlling contractor’s duties.

A new subsection (a)(4) is necessary to clearly indicate to the employer when the design component requirements of the standard are effective for construction projects in various stages of completion. An effective date of May 1, 2002 is proposed for the design component requirements contained in subsections (e)(1)(A), (f)(1), (g)(1)(4), (g)(5), (g)(6), (h)(1)(A)1., (h)(1)(G)1., (i)(2), and (i)(5). The proposed effective date for the design component requirements is consistent with the effective date of newly adopted amendments for Section 1710 that were effective May 1, 2002.

Section 1710(b) Definitions.

Subsection (b) contains the definitions related to structural steel erection activities. The following definitions are proposed for addition to subsection (b): connector, controlled decking zone (CDZ), controlled load lowering, critical lift, multiple lift rigging, and post. The proposed adoption of these definitions will provide clarity to Section 1710 regulations and consistency with the counterpart federal regulations contained in 29 CFR, Subpart R, Steel Erection.

The definition for the term “decking hole” is proposed for deletion. The definition means a gap or a void more than 2 inches in its least dimension and less than 12 inches in its greatest dimension in a floor, roof or other walking/working surface. Pre-engineered holes in cellular decking (for wires, cables, etc.) are not included in this definition. The Construction Safety Orders, Section 1504 contains definitions for “hole” and “opening.” The definitions for “hole” and “opening” in Section 1504 when combined with the requirements in CSO Section 1632(b) and 1632(h) for the guarding of floor openings and holes provide the necessary requirements to protect workers from accidentally falling into a floor hole or opening. Therefore, the definition of “decking hole” is proposed for deletion and is necessary to provide clarity to the regulations and avoid duplication of requirements.

The definition for “hoisting equipment” is proposed for deletion. This definition could be conflicting with itself and with the common usage of this term (e.g., the existing definition infers that hoisting equipment has “a center of rotation”). Not all hoisting equipment in steel erection activities has a center of rotation. The deletion of this definition is necessary to provide clarity to the regulations.

Section 1710(c) Site layout and construction sequence.

Subsection (c)(3)(B)

Existing Section 1710(c) provides the general requirements for construction site layout and sequence. Subsection (c)(3)(B) requires a safe area for the storage of materials and the operation of the steel erector’s equipment. A proposed amendment adds language that this area must also be adequately compacted to support the intended loads. This amendment is necessary to clarify the conditions needed for safe storage of materials.

Subsection (c)(4)

Existing subsection (c)(4) requires all hoisting operations in steel erection to be pre-planned to ensure that the requirements of General Industry Safety Orders (GISO) Section 5002 “Overhead Loads” are met. A proposed amendment will delete the reference to GISO Section 5002 in lieu of a reference to newly proposed subsection (d)(1) “Working under loads.” The amendment will provide consistency with the federal counterpart regulations and is necessary to provide requirements specific to structural steel operations for work under loads.

Subsection (c)(5)

A new subsection (c)(5) is proposed to adopt provisions of the “site-specific erection plan” consistent with the federal counterpart standard contained in 29 CFR 1926.752(e). The site-specific erection plan is required when employers develop alternate means and methods to

provide employee protection in accordance with the provisions in proposed Sections 1710(d)(9), 1710(h)(1)(C) or Section 1710(h)(5)(D). These sections pertain to provisions when deactivating safety latches on hoisting hooks, alternative erection methods for setting certain steel joists, and conditions/procedures required for placement of decking bundles on steel joists, respectively.

For example, Section 1710(d)(9) permits deactivating safety latches on hoisting hoists which in some cases, is safer than requiring an employee to travel out onto a joist to unhook the safety latch. Section 1710(h)(1)(C) requires joists to be set in tandem with all bridging installed unless an alternative method of erection, (e.g., providing bracing above the top of the joist) provides equivalent stability to the steel joist. Section 1710(h)(5)(D) states that no bundle of decking may be placed on steel joists until all bridging has been installed and anchored and all joist bearing ends attached, unless the employer meets six specific conditions listed in subsections (h)(5)(D)1. through (h)(5)(D)6. The amendments are necessary for consistency with the federal counterpart standards and to provide the employer alternative methods and procedures to safely perform the tasks outlined in the three sections above.

Section 1710(d) Hoisting and rigging.

Subsection (d)(1) Working under loads.

Section 1710(d) contains the provisions for hoisting and rigging procedures. A new subsection (d)(1) is proposed to address safety precautions for work below suspended loads. The proposed subsection also requires that suspended loads be pre-planned to limit exposure to employees working below suspended loads except as necessary for connectors when making initial connections or riggers when hooking or unhooking the load. The amendment is necessary to ensure that employees will not be unnecessarily exposed to the hazards of suspended loads.

Subsection (d)(2) Multiple Lift Rigging Procedure.

Multiple lift rigging (MLR) is also known as “Christmas Treeing.” MLR procedures facilitate the attachment of up to five independent loads to the rigging of a crane. In paragraph 29 CFR 1926. 753(e) of Subpart R, federal OSHA adopted regulations in its steel erection standard to permit MLR procedures. Amendments are proposed in subsection (d)(2) to adopt MLR procedures in California’s steel erection standard that are similar (with some additional requirements and modifications) to the counterpart federal standards. Primary differences between California’s MLR proposal and the federal counterpart standard are as follows:

- California is adding a requirement in proposed subsection (d)(2)(A)3. that requires rigging procedures prevent hazardous contact between the structural steel members being hoisted and adjacent structures or workers.
- California’s MLR procedures in subsection (d)(2)(C)1. limits the total load to 75 percent of the rated capacity of the hoisting equipment specified in the hoisting equipment load charts.
- California has expanded the training to include specific training topics required for those employees engaged in MLR work. [See the explanation under the heading for subsection (q) “Training.”]

In subsections (d)(2)(A) through (d)(2)(F), specific lifting and rigging procedures are required for compliance with MLR procedures. For example, a MLR lift is limited to five structural members being hoisted per lift. All employees engaged in a multiple lift must be trained in accordance with the training provisions outlined in Section 1710(q)(3)(A).

Federal Steel Erection Negotiated Rulemaking Advisory Committee members and other interested parties involved in the federal steel erection rulemaking process concurred that MLR can be done safely in steel erection work if the procedures for these lifts are performed in compliance with the provisions prescribed in the standard for MLR. For example, MLR significantly decreases the number of times that employees are exposed to overhead loads. It also may reduce the time a connector has to spend out on structural beams because the erection process can be achieved in less time.

The proposed amendments including the provisions for specific MLR training requirements are necessary to safely permit the practice of MLR for California.

Subsection (d)(3)

Existing subsection (d)(1) is renumbered and proposed as subsection (d)(3). The first sentence in the existing regulation states that the crane or derrick operator shall be responsible for those operations under the operator's direct control. The first sentence is proposed for deletion and in the second sentence of the regulation it is clarified that the "crane or derrick" operator has the authority to stop and refuse to handle loads until safety is assured. The amendment is necessary to eliminate the first sentence, which is unclear and unnecessary.

Subsection (d)(4)

Subsection (d)(4) contains requirements for landing metal decking bundles. This subsection is merely relocated from existing Section 1710(h)(5)(D). The amendment is necessary for clarity and to place the requirement in a more appropriate location relating to hoisting and rigging operations.

Subsection (d)(5)

Proposed subsection (d)(5) requires that temporary loads placed on a derrick floor to be distributed over the underlying support members to prevent local overloading of the decking material. The proposed subsection is verbatim to the counterpart federal standard in 29 CFR 1910.754(e)(6)(ii). The amendment is necessary to ensure that temporary loads are adequately and safely supported.

Subsection (d)(9)

Subsection (d)(9) provides that safety latches on hooks shall not be deactivated or made inoperable unless a qualified person determines the task of placing purlins and single joists is safer by doing so and when the employer has prepared a "site-specific" erection plan. [See explanation about site-specific erection plans under the paragraph for subsection (c)(5)]. According to those in the steel erection industry, it is recommended in limited situations to have the option to deactivate the safety latch on hooks so that a worker will not have to risk climbing out on a joist to unhook the latch.

The proposal is consistent with the federal counterpart standard and is necessary to provide employers the option to deactivate safety latches only when it is safer to do so and the provisions of the subsection and met.

Section 1710(e) Walking/working surfaces.

Subsection (e)(1)(B)

Subsection (e)(1)(B), in part, requires that when shear connectors are used in construction of composite floors, roofs and bridge decks, employees shall lay out and install the shear connectors after the metal decking has been installed, using the metal decking as a working platform. A “note” is proposed for this section that is necessary as a reminder that Section 1710(n)(8) prohibits the installation of shear connectors within a controlled decking zone.

Section 1710(f) Column anchorage.

Subsection (f)(2)(A)

Subsection (f)(2)(A) states that anchor rods (anchor bolts) shall not be repaired, replaced, or field-modified without the approval of the structural engineer of record. A “note” is proposed for this subsection stating that minor adjustment of anchor rods (anchor bolts) that do not affect the structural integrity of anchor rods (anchor bolts) are not considered “repairs” for the purposes of this subsection. The note is informational and necessary to clarify that minor adjustments to anchor bolts (that do not affect the structural integrity of the bolts) can be made without the approval of a structural engineer.

Section 1710(h) Open web steel joists.

Subsection (h)(1)(C)

Existing subsection (h)(1)(C) requires that where steel joists at or near columns span 60 feet (18.3 m) or less, the joist shall be designed with sufficient strength to allow one employee to release the hoisting cable without the need for erection bridging. This section is proposed for repeal because steel joist manufacturers indicate it will take time to develop and manufacture a joist that can comply with this provision. Federal OSHA has postponed enforcement of this provision in its counterpart standard 29 CFR 1926.757(a)(3) as indicated in its compliance directive [Directive Number: CPL 2-1.34] dated March 22, 2002, page 4-11. The repeal of this subsection is necessary to remove a regulation that cannot be complied with.

Subsection (h)(1)(D)

Existing subsection (h)(1)(D) will be renumbered as subsection (h)(1)(C) in the proposal. This subsection states that where steel joists at or near columns span more than 60 feet (18.3 m), the joists shall be set in tandem with all bridging installed. An amendment is proposed that will require joists to be set in tandem with all bridging installed unless an alternative method of erection, which provides equivalent stability to the steel joist, is designed by a qualified person and is included in the site-specific erection plan. The amendment is necessary to permit alternative methods (e.g., providing bracing above the top of the joist) when a site-specific erection plan has been developed. (Also see the paragraph under subsection (c)(5) with respect to site-specific erection plans.)

Subsection (h)(5)(D)

Existing subsection (h) contains requirements related to open web steel joists. Subsection (h)(5)(D) requires metal decking bundles to be landed on framing members so that enough support is provided to allow the bundles to be unbanded without dislodging the bundles from the supports. The provisions of this subsection are proposed for relocation to proposed subsection (d)(4). The relocation of this section is necessary to place these requirements in subsection (d) related to hoisting and rigging operations where it is more appropriately located.

Subsection (h)(5)(E)

Existing subsection (h)(5)(E) will be renumbered as subsection (h)(5)(D) in the proposal. The existing subsection states that no bundle of decking may be placed on steel joists until all bridging has been installed and anchored and all joist bearing ends attached, unless the employer meets six specific conditions listed in subsections (h)(5)(D)1. through (h)(5)(D)6. The first condition [subsection (h)(5)(D)1.] requires that the employer has first determined from a qualified person and documented in an erection plan that the structure is capable of supporting the load. An amendment is proposed for consistency with the federal counterpart standard in 29 CFR 1926.757(e)(4)(i) to require that the employer document in a “site-specific” erection plan that the structure is capable of supporting the load. The amendment will require documentation in the “site-specific erection plan” (See proposed Appendix C) in lieu of in an “erection plan” which must be prepared by a civil engineer as required by Section 1709(d).

Section 1710(l) Temporary Flooring-Skeleton Steel Construction in Multistory Buildings.

Subsection (l)(3)

Subsection 1710(l)(3) requires wire rope perimeter safety cables or other guardrail protection at the exposed edges of decked floors. The subsection also requires midrail protection to be installed at the completion of decking. It is proposed to relocate the provisions for midrail requirements from subsection (l)(3) to a new subsection (l)(4). The relocation of this provision is necessary for editorial purposes only.

Subsection (l)(4)

A new subsection (l)(4)(A) provides the requirement relocated from existing subsection (l)(3) that midrail protection shall be installed at the completion of decking. A new subsection (l)(4)(B) also requires midrail protection be installed prior to the decked area being used by trades other than the steel erector or the decking crew. Proposed subsection (l)(4)(B) is necessary to mandate the recommended industry practice that midrail protection is installed before other trades access the decked area.

Subsection (l)(6)

Subsection (l)(6)(B), proposed as subsection (l)(7)(B), requires the use of approved personal fall protection devices when gathering and stacking temporary floor planks from the last panel. A proposed amendment changes the phrase “personal fall protection devices” with the phrase “personal fall protection system.” This is an editorial change as the phrase “personal fall protection system” is defined in CSO, Section 1504 while the former phrase is not. The proposed amendment is necessary for clarity the use of defined terms whenever possible.

Section 1710(m) Work and Traveling on the Skeleton Steel of Multistory Buildings or Structures.

Subsection (m)(1)

Existing subsection (m)(1) provides fall protection requirements for iron workers engaged in connecting work. The subsection requires the use of a personal fall protection system for connectors when the fall distance is greater than two stories or 30 feet, whichever is less. A proposed amendment is necessary for subsection (m)(1)(A) to clarify that connecting activity includes not only connecting beams, but also includes connecting “other structural members.” The amendment is necessary to provide clarity to the regulation and consistency with the proposed definition of “connector” located in subsection (b).

Proposed subsection (m)(1)(B) adopts nearly verbatim language from the counterpart federal standard in 29 CFR 1926.760(b)(3). The provisions of this subsection require that connectors at heights over 15 and up to 30 feet above a lower level, be provided with a personal fall arrest system, positioning device system or fall restraint system and wear the equipment necessary to be able to be tied off; or be provided with other means of protection from fall hazards in accordance with subsection (m). The amendment is necessary to provide the connector the ability to use fall protection between 15 and up to 30 feet should the connector believe it is safer or necessary to do so. An informational note is also proposed that states for fall protection requirements associated with work above reinforcing steel and similar projections, see Section 1712 of the Construction Safety Orders.

Proposed subsection (m)(1)(C) addresses requirements for the shinning of columns which is the common and accepted industry practice for connectors to vertically climb up or down columns to access workpoints. The steel erection industry and respective labor representation strongly supported the need to include this amendment in the rulemaking proposal. The proposed amendment is necessary to provide requirements to address and permit this practice for connecting work and provide an alternative to the use of ladders or other means of access for connectors when the fall distance does not exceed two stories or 30 feet, whichever is less.

Subsection (m)(3)

Existing subsection (m)(3) pertains to iron worker duties when traveling at the periphery or interior of a building. Subsection (m)(3)(A) states that when moving from work point to work point or releasing slings, iron workers shall be permitted to walk the top flange of a beam when the fall distance is not more than 30 feet or two stories, whichever is less. Subsection (m)(3)(B) provides that when the fall distance is greater than 30 feet, or two stories, whichever is less, iron workers shall coon or walk the bottom flange (inside flange or peripheral beams), or may walk the top flange if they are tied-off to catenary lines. Within the parenthetical phrase above (inside flange or peripheral beams) an editorial correction is necessary to delete the word “or” in lieu of the correct word “of.”

Existing subsection (m)(3) permits iron workers (other than those performing connecting work) to walk the top flange of beams up to 30 feet, or two stories, whichever is less, without the use of fall protection. The federal counterpart fall protection standard for steel erection does not permit

iron workers, other than connectors, to walk the top flange of beams above 15 feet in height without the use of fall protection. Therefore, amendments are necessary for proposed subsection (m)(3)(A) and (B) to require iron workers (other than those performing connecting work) to be tied-off to catenary lines or use other fall protection when walking the top flange of beams if the fall distance is greater than 15 feet.

Section 1710(n) Controlled Decking Zone (CDZ).

Subsection (n) contains the requirements for the employer option to establish a Controlled Decking Zone (CDZ). A CDZ is an area established specifically for the initial placement and securing of metal decking where access to the area is restricted and work may take place without the use of a personal fall protection system for leading edge workers between 15 and 30 feet above a lower level.

Many of the requirements for establishing a CDZ are verbatim or similar to the federal counterpart standard in 29 CFR 1926.760(c). However, whether to include the federal CDZ standard presented issues that were discussed at length in the advisory committee meetings for California's structural steel erection standard in Section 1710. Notwithstanding the steel industry and respective labor representation's endorsement for a verbatim adoption of the federal CDZ standard, concerns were expressed by general contractors, Division representatives, and other interested parties that the verbatim federal CDZ standard permits the use of CDZ procedures for all decking situations without employer consideration for the use of conventional fall protection when it could readily and effectively be provided.

As a result of advisory committee concerns and subsequent evaluation by Board staff, the proposed California CDZ standard has additional requirements that are not included in the federal standard for workers in a CDZ where conventional fall protection is not used at hazardous heights between 15 to 30 feet below a lower level. These additional requirements are similar to requirements for implementing a fall protection plan and "controlled access zone"² as permitted in the Construction Safety Orders, Sections 1671.1 and 1671.2 respectively.

For example, when implementing a CDZ, the federal standard does not require the employer to determine that the use of a personal fall protection system is impractical or creates a greater hazard [See proposed subsection (n)(1)]. Further, subsections (n)(3) through (n)(5) contain requirements such as supervision of the CDZ by a competent person, documentation of the reasons why conventional fall protection is infeasible or creates a greater hazard and provisions for the use of a safety monitoring system when a CDZ is implemented. The additional provisions discussed above, not included in the federal CDZ standard, are intended to mitigate hazards in decking operations for workers at hazardous heights between 15 to 30 feet from a lower level where fall protection is not used and to limit the use of CDZs to situations such as those described in the following paragraph.

² A "controlled access zone" is defined in the Construction Safety Orders as an area in which certain work may take place without the use of guardrails, personal fall arrest systems, or safety nets and access to the zone is controlled.

Proposed subsection (n) is necessary to address limited situations where it is problematic or infeasible on metal decked areas such as certain roofs where there is insufficient or no overhead anchorage points for proper set up of fall protection systems for workers. If an employer exercises the option to establish a CDZ that conforms to the requirements of subsection (n) and affected personnel are trained pursuant to proposed subsection (q)(3)(C), employees authorized to work in the CDZ could do so without the use of a fall protection system.

Section 1710(o) Custody of guardrail systems.

Existing subsection (n), which is proposed as subsection (o), addresses the need to ensure that fall protection (meaning wire rope or other guardrail protection) left by the steel erector for use by other trades is maintained after steel erectors have completed their work. The existing regulation requires that fall protection provided by the steel erector remain in the area where the steel erection activity has been completed, to be used by other trades, only if the controlling contractor has: 1) directed the steel erector to leave the fall protection in place; and 2) has inspected and accepted control and responsibility for the fall protection prior to use.

It is clear in the federal OSHA explanation of its counterpart standard, that this regulation is intended to apply to wire rope or other guardrail systems left at the job site by the steel erector. Therefore, a proposed amendment is necessary for clarity to delete the phrase “fall protection” which is too broad in scope and replace it with “wire rope or other guardrail protection.”

Section 1710(q) Training.

When federal OSHA promulgated its Final Rule for structural steel erection in 29 CFR, Subpart R, federal OSHA recognized the need for a separate training section to address many of the new requirements of the standard such as the use of personal fall protection equipment and special procedures for multiple lift rigging, decking activities in a controlled decking zone, and connecting work. With the assistance of the advisory committee members convened to discuss proposed revisions to California’s regulations in Title 8, it was determined that California should adopt similar training provisions for steel erection activities to supplement the general training requirements in CSO Section 1509 “Injury and Illness Prevention Program.”

Proposed subsection (q) is necessary to provide consistency with the federal counterpart training requirements including some modifications such as expanding the training requirements for multiple lift rigging procedures. The rationale in the federal preamble and discussions at the California advisory committee meetings acknowledged that MLR is an effective and safe procedure that decreases the total crane swings and employee exposure on steel structures during connecting work. The federal rationale further states that MLR is a safe procedure when it is performed correctly according to the provisions of the standard. With the assistance of the advisory committee members, it was determined necessary to propose specific training requirements for employees involved in MLR operations. Employers implementing MLR procedures will need to ensure that workers involved in MLR have been properly trained in the hazards specific to their work assignments.

Appendix C to Section 1710 -- Guidelines for Establishing the Components of a Site-specific Erection Plan: Non-mandatory Guidelines for Complying with Section 1710(c)(5).

In subsection (c)(5), it is proposed to adopt provisions of the “site-specific erection plan” consistent with the federal counterpart standard contained in 29 CFR 1926.752(e). Therefore, it is also proposed to adopt the non-mandatory guidelines in new Appendix C to Section 1710 for complying with the provisions of the site-specific erection plan. Although Appendix C is non-mandatory, it is necessary to provide employers assistance and information for compliance with the provisions of Section 1710(c)(5).

DOCUMENTS RELIED UPON

1. Volume 66, No. 12, Federal Register, 5196 – 5280 (January 18, 2001).
2. Volume 66, No. 137, Federal Register, 37137 –37139 (July 17, 2001).
3. Occupational Safety and Health Standards Board, Petition File No. 420 Decision dated October 19, 2000 in the matter of a Petition by Mr. Randy Shipman, Mid-State Steel Erectors, Inc.
4. U.S. Department of Labor, Occupational Safety and Health Administration, OSHA Instruction, Compliance Directive Number: CPL 2-1.34, Effective Date, March 22, 2002, regarding “Inspection Policy and Procedures for OSHA’s Steel Erection Standards for Construction,” pages 1-1 through 4-20.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC
IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment. Fall protection equipment to be provided to connectors at heights over 15 and up to 30 feet as required by proposed Section 1710(m)(1)(B) are already available and provided to connectors for required use when the fall distance is greater than two stories or 30 feet, whichever is less [see Section 1710(m)(1)].

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal adds language in Section 1710(m)(1)(C) to address a work practice for connectors to access workpoints. This work practice for connectors is referred to as the “shinning of columns” and is considered an existing industry practice by steel erectors in California.

The proposal also provides the employer the option in Section 1710(n) to use controlled decking zones as a method to address fall hazards between 15 and 30 feet for leading edge decking work. Further, in subsection (d)(2) the proposal permits employers the option to perform multiple lift rigging (lifting up to five structural members) in one lift, which may reduce the time necessary for skeletal steel erection of buildings. Other amendments are also of a clarifying and technical nature with no adverse economic impact affecting businesses anticipated.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the State is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, these regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that 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 proposed action.

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