

define a single "climb" as any work activities at one fixed ladder location that take place within a 24-hour time period, regardless of the number of times the employee goes up and down the ladder in that time. Accordingly, a job started at 1 p.m., Monday and completed by 1 p.m., Tuesday, would count as one climb. Similarly, a job started at 1 p.m., Friday and completed by 1 p.m., Monday, would only count as one climb if Saturday and Sunday were non-workdays. OSHA solicits comment on the following issues:

9. In your establishment and/or industry, how many times or what percentages of total climbs are on fixed ladders that are not equipped with fall protection (*i.e.*, personal fall protection systems, ladder safety devices, cages or wells) during a year? What is the safety experience for such climbs in your establishment and/or industry?

10. What should be the maximum number of times that fixed ladders can be climbed without fall protection during a year? Please explain. How many or what percentage of climbs in your establishment and/or industry would be affected by changing the maximum number of times a ladder can be climbed without fall protection? Would that change significantly affect the costs of complying with proposed subpart D in your establishment and/or industry? Please provide estimates of the reductions in costs and an explanation of how those costs were derived.

11. Are there data and information on climbing injuries and fatalities to support increasing the number of times these ladders may be climbed during a year without equipping them with fall protection? Please explain and provide data and information.

12. Is there support for a definition of a single "climb" as all work activity and climbs on a single fixed ladder within a 24-hour period, regardless of the number times a qualified climber ascends and descends the ladder during that time period? Please explain and provide supporting materials.

13. Are there data and information on climbing injuries and fatalities that support the use of a 24-hour time period as constituting a single climb? Please explain and supply data and information.

Environmental conditions. An issue has been raised about the types of environmental conditions in which qualified climbers should not be allowed to climb without using fall protection. Neither existing nor proposed subpart D address this issue.

The Electric Power Generation standard, which also permits employers

to use qualified employees to climb or change location on poles, towers, or similar structures without using fall arrest equipment, places restrictions on the type of environmental conditions employees can climb in without using fall protection (29 CFR 1910.269(g)(2)(v)). The standard specifies that qualified employees are not allowed to climb without fall arrest equipment where "conditions, such as, but not limited to, ice, high winds * * * or the presence of contaminants on the structure, could cause the employee to lose his or her grip or footing" (§ 1910.269(g)(2)(v)).

14. In your establishment and/or industry, in what types of environmental conditions do qualified climbers use personal fall protection equipment? What kinds of personal fall protection equipment do they typically use in those environmental conditions? What has been the safety experience in your establishment and/or industry with those practices?

15. Should OSHA include in subpart D a requirement similar to the one in the Electric Power Generation standard (§ 1910.269) prohibiting qualified climbers from climbing without fall protection equipment when environmental conditions are such that they could cause qualified climbers to lose their grip or footing? Please explain.

16. Should OSHA include a requirement prohibiting employees from climbing ladders in certain environmental conditions? Please explain. Under what environmental conditions should such requirements apply?

Safe work practices. Commenters suggested additional measures that could be implemented to protect qualified climbers. Gulf Power Company (Docket S-041; Ex. 3-83), for instance, urged OSHA to require qualified climbers have both hands free of tools or other objects when ascending or descending a ladder, which would ensure that climbers maintain three points of contact at all times when climbing.

The Electric Power Generation standard requires climbers to use fall protection if they are not able to hold onto the structure, for example, because they are carrying tools or other equipment in their hands. In the preamble to the final rule, OSHA said:

[C]limbing without the use of fall protection is only safe if the employee is using his or her hands to hold onto the structure while he or she is climbing * * * Climbing in this manner will enable the employee to hold onto the structure in case his or her foot slips. If

the employee is not using his or her hands for additional support, he or she would be much more likely to fall as a result or a slip (55 FR 4374).

OSHA requests comments on the following issues:

17. What work practices, if any, have you instituted in your establishment and/or industry to protect qualified climbers during climbing? What has been the safety experience in your establishment and/or industry using those practices?

18. Should OSHA require that qualified climbers have both hands free of tools or objects when climbing? Please explain.

Resting capability. In the subpart D proposal, OSHA proposed requirements that would require employers to provide climbers with rest platforms during extremely long continuous climbs (§ 1910.23(c)(17), 55 FR 13399). The purpose of requiring rest platforms when continuous climbs are greater than 150 feet is to ensure that climbers do not become so fatigued that their safety becomes endangered.

Several commenters opposed the rest platform provision. One commenter (Docket S-041; Ex. 3-413) said that having rest platforms "may create a more hazardous condition," especially if built on the outside of a telecommunication tower. The commenter also said that placing the platform inside the tower might restrict the climbing area. Two commenters suggested that OSHA permit the use of ladder safety devices, body belts, lanyards or other fall protection equipment as a reasonable alternative to installing rest platforms on ladders (Docket S-041; Exs. 3-83, 3-413). One of these commenters said that fall protection equipment provides greater protection than rest platforms because "the climber can rest at any time and is not in danger of falling" (Docket S-041, Ex. 3-83). The other commenter said that rest platforms might create hazardous conditions where, because of space restrictions, they have to be built on the outside face of a tower (Docket No. S-041, Ex. 3-413). The Agency believes that it may be appropriate to allow employers to comply with the requirement to provide resting capability by equipping climbers with a short positioning-type device or lanyard that meets the requirements of proposed subpart I. OSHA believes that the alternative resting devices also may provide additional advantages because they would enable employees to rest anywhere along the length of the climb instead of only at fixed rest platforms.

19. What is currently being done in your establishment and/or industry to