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Submitted: aneidhardt@dir.ca.gov; kgoddard@dir.ca.gov

RE: §3324 Horizontal Sliding and Swinging Gates Rulemaking

Dear Ms. Neidhardt and Mr. Goddard,

Please accept the OSH Proterie's comments on the California Occupational Safety and Health Standards Board's (OSHSB or Board) [August 2025 Advisory Committee Draft](#), §3324 Horizontal Sliding and Swinging Gates, (August Draft).

The [OSH Proterie](#) is a network of Occupational Safety and Health (OSH) compliance leaders across industries. Our members are directly responsible for workplace environmental safety and health, and we provide their collective voice to OSH agencies to improve safety, compliance, and operational effectiveness.

General Comments

We agree revisions to §3324 are warranted to address hazards from large horizontal sliding gates. However, the August Draft greatly exceeds both the Petition Decision¹, and Cal/OSHA's evaluation², by sweeping in **every gate in California workplaces**, regardless of size, weight, design, function or most importantly, risk.

As we shared in comments to the Board at the April 2025 Board meeting, we believe the requirements are well-intentioned but need refinement to better align with safety objectives, operational realities, and the intended scope. Unfortunately, the August Draft has not alleviated our concerns.

¹ Petition 605 Adopted Decision: <https://www.dir.ca.gov/oshsb/documents/petition-605-adopteddecision.pdf>

² Petition 605 Cal/OSHA Evaluation: <https://www.dir.ca.gov/oshsb/documents/petition-605-Cal/OSHAeval.pdf>

The overarching concern that creates unnecessary and impractical obligations is scope.

- The **proposed scope** (§3324(a)) applies broadly to all horizontal sliding and swinging gates.
- The **trigger for onerous requirements** in §3324(g) is set extremely low: ≥ 4 ft tall OR ≥ 7 ft wide OR ≥ 100 lbs. This is far broader than the thresholds used in the California Building Code (CBC), Marin County, San Rafael ordinances, or even Assembly Bill 2149 – all of which set higher or combined thresholds (e.g., >48 " wide **and** >84 " tall, or >50 lbs).
- Cal/OSHA explicitly recommended³ limiting new regulations “only to large gates, with potential to cause serious injury or death when they fall.”

Instead, the August Draft regulates small 4-ft tall pedestrian gates, temporary construction site gates, or lightly used remote gates as though they pose the same hazards as 20-ft steel sliding gates weighing thousands of pounds. This overreach is not justified by the data or by consensus standards.

Accident and Risk Data

The accident history in Cal/OSHA’s own evaluation confirms the risk profile⁴. Between 1990–2024, **virtually all fatalities and serious injuries were caused by large sliding gates** exceeding hundreds or thousands of pounds. Only two out of 47 cases involved swing gates – and both were very large (40' x 7' and 10' x 8' steel gates).

Average serious incidents remain under 2 per year statewide, and the most common failure identified is missing or failed end-stops/positive stops. Small swing or pedestrian gates are not represented in the accident history.

Expanding §3324 to cover **all gates**—including lightweight gates where the worst injuries might be scratches or minor bruising—dilutes attention and resources from the very risks that have actually killed workers.

Swinging Gate Provisions

The Petition Decision directed staff to “consider a new section to address unmitigated hazards presented by swinging gates.” Cal/OSHA recommended a swing-gate measure focused on hinge-failure restraints such as safety cables or chains⁵. This solution addressed unmitigated hazards and is the only swing gate specific recommendation.

³ Cal/OSHA Petition 605 Evaluation section §10.3.3, §11.0

⁴ Accident History Appendix in Cal/OSHA’s Petition 605 Evaluation

⁵ Cal/OSHA Petition 605 Evaluation recommendation 10.2.7 Swing Gate Safety

The August Draft instead erased the prior separation between sliding and swinging gates in the March 2025 Discussion Draft⁶ and applies identical requirements across the board. This is contrary to both Cal/OSHA's recommendation and OSHSB's adopted Petition Decision. Sliding and swinging gates present very different hazards and should be regulated separately.

Consensus Standards

The Petitioner requested incorporation and consideration of requirements in industry consensus standards ASTM F1184, ASTM F2200, UL 325, and F900-17. Cal/OSHA and the Board correctly cautioned against simply copying them by reference. Cal/OSHA stated that wholesale adoption is “not recommended” because most provisions are not worker-safety related⁷. Instead, only **relevant safety elements** (positive stops, fall-over prevention, guarding of rollers) should be adopted.

Moreover, the consensus standards are written for specific types of gates and include requirements based on gate design, function, and risk factors.

- **ASTM F1184-23 Standard Specification for Industrial and Commercial Horizontal Sliding Gates** – *it is limited to manually operated industrial/commercial sliding gates.*
- **ASTM F2200-20 Standard Specification for Automated Vehicular Gate Construction** - *it explicitly excludes pedestrian and non-automated gates*
- **UL 325-02 Door, Drapery, Gate, Louver, and Window Operators and Systems** - *addresses gate operators, entrapment, motors and electronics.*
- **ASTM F900-17 Standard Specification for Industrial and Commercial Steel Swing Gates** – *provides construction specifications for steel swing gates but does not require hinge-restraint chains for swing gates.*

The August Draft's approach ignores these limitations and imposes broad provisions on basic pedestrian and temporary gates not even covered under national standards. Specifically, the proposal extracts elements that can be applied to worker safety and makes them required for every gate panel that exceeds 4 feet tall, OR 7 feet wide, OR 100 pounds.

For example, employers need to ensure that ALL swinging and sliding gates that are over 4 feet tall have the following:

1. Positive stops of a specific material, §3324(g)(1)
2. An effective number of devices that restrict an employee from being struck or caught §3324(g)(3), and
3. A restriction to not fall 45 degrees §3324(g)(2)

⁶ March 2025 Advisory Committee Discussion Draft: <https://www.dir.ca.gov/oshsb/documents/Horizontal-SlidingSwinging-Gates-Mar-2025-AC-discussiondraft.pdf>

⁷ Cal/OSHA Petition 605 Evaluation recommendation §10.2.5–10.2.6

This makes sense for sliding gates and large swing gates but, as drafted, the Board is essentially creating uniform manufacturing and design requirements for all gate panels. This disregards the targeted approach of current gate specific consensus standards. It also makes the employer responsible for design of small swinging gates, including retrofitting to meet new Title 8 requirements.

In addition, the simplification of gate-specific, ASTM elements, in sections §3324(g)(3),(4),(6), are ambiguous and will result in inconsistent interpretation. For example, (g)(3) requires an “effective number” of injury prevention devices and (g)(4) requires not just moving parts/nip points to be guarded, but all sharp edges.

If these national standards limit their scope to certain industrial or automated gates, it is unreasonable for California to regulate all gates, including pedestrian and temporary ones that even ASTM excludes.

Annual Inspections and Lockout

The Draft requires annual inspections for all covered gates, §3324(g)(7), with recordkeeping accessible to inspectors and Cal/OSHA. This is excessive for small gates that present little to no risk and are not used daily. We agree with Cal/OSHA’s recommendation⁸ that inspections and records only for “certain gate owners,” not all gates.

While we appreciate the attempt to limit the scope of annual inspections with the proposed exception, it does not alleviate unnecessary administrative burden, nor does it support a risk-based approach. Further, §3324(f) requires removing from service “any” gate with any missing or faulty component until repaired by a qualified person and sign off by a qualified inspector. Even if a gate is exempt from annual inspections, this procedure must be followed.

We have one member with more than 1,000 small gates throughout the State. Annual inspections by a qualified person in addition to sign-off of repairs by a qualified inspector will be extremely costly, operationally burdensome, and most importantly, unreasonable.

Operational Impact – Our overarching concern is that the operational impact on California businesses to comply is not commensurate with the risk. We provide the following scenarios to illustrate:

- An employee needs to walk through a 4-foot-tall gate in a remote location a few times a week. To do so, the employer needs to ensure he meets the definition of competent person, has been

⁸ Cal/OSHA Petition 605 Evaluation section 10.3.1

instructed on how to open the gate, and must inspect it before walking through. One day he finds the latch is sticking, or a screw is missing. This triggers locking it out and tagging it (with an authorized person's contact information) until it can be repaired by a qualified person and signed off on by a qualified inspector. (§3324 (f),(g)(7))

This process, for a gate that creates minimal risk, requires three to four distinct roles to return to service: competent person, qualified person, authorized person, and qualified inspector.

- The lockout of pedestrian gates can itself create new hazards for other workers and impede egress and safe operations.
- The act of opening and closing any size or type of gate at the workplace will require specific instructions, by the employer, on how to safely operate. This is essentially required training for how to open a pedestrian gate. (§3324(e))
- In addition to ongoing impact, California employers will need to conduct initial inspections of all gates and possibly retrofit gates to the new design specifications in §3324, followed by a sign-off by a qualified inspector to ensure compliance.
- Administrative errors (missing or incomplete inspection documents) for remote, rarely used gates, or inside storage area gates, could result in repeat, enterprise-wide, citations that would be unwarranted but extremely damaging and costly.

California Assembly Bill 2149 (2023-2024)⁹ – AB 2149

We note with concern the Board's mirroring of elements in AB 2149, such as annual inspections and recordkeeping. This bill failed to advance in the Legislature in 2024. Requirements rejected by elected lawmakers should not be continued through the OSH rulemaking process.

It is particularly concerning that the August Draft proposes a threshold (4 ft tall or 7 ft wide or 100 lbs) that is significantly smaller than what the California Legislature considered for public spaces in AB 2149 (which defined a regulated gate as weighing more than 50 pounds AND more than 48 inches wide OR more than 84 inches high).

Regulations for public spaces, by their very nature, often carry a higher duty of care due to broader exposure to a diverse population, including children and the elderly. If the Legislature deemed a gate below AB 2149's thresholds as not requiring specific regulation in public areas, it defies logic and a risk-based approach for Cal/OSHA to impose more stringent requirements on

⁹ California Assembly Bill 2149 (AB 2149): Gates: standards: inspection (2023-2024)
https://leginfo.legislature.ca.gov/faces/billHistoryClient.xhtml?bill_id=202320240AB2149

smaller gates in the more controlled environment of a private workplace. This effectively imposes a greater burden on employers without a commensurate, data-driven justification for a higher risk profile.

Recommendations

To ensure the regulation appropriately manages gates that create workplace hazards, we urge the Board to make the following changes before moving forward with this rulemaking:

1. **Limiting scope** to large commercial/industrial and vehicular gates with clear size/weight thresholds. Explicitly exclude pedestrian, remote/rural, temporary, and small gates.
2. **Separating sliding and swinging gates**, restoring distinct requirements as in early drafts.
3. **Focusing swing gate requirements** on hinge-failure restraint only, above a risk threshold.
4. **Targeted inspections**: annual only for high-risk (i.e, large), high-use gates; extended intervals or competent person checks for other specific types of gates that create a hazard.
5. **Narrowing lockout obligations** to defects that materially affect stability, positive stops, gravity movement, or guarding functions, with alignment to §3314 for hazardous energy.
6. **Drawing and applying relevant consensus provisions selectively**, avoiding wholesale incorporation.
7. **Deleting “qualified inspector”** and relying on the known term “qualified person” for repairs.

Reducing the scope and ensuring required elements apply to the appropriate type of gate will alleviate the majority of our concerns. Gates below the threshold will still be regulated under other Title 8 regulations, such as the IIPP, §3203.

Closing

We share the Board’s goal of preventing fatalities and life-altering injuries from malfunctioning gates. But the August Draft overshoots this purpose by indiscriminately regulating every gate, regardless of size or risk. This expands burdens for employers and regulators without improving real-world safety.

Requiring every California business with small gates that create little to no risk, to implement these requirements is not only unnecessary but will be operationally challenging, extremely costly, and could divert resources from higher-risk safety improvements.

Not everything needs to be regulated; we need a balanced, reasonable approach.

Thank you for the opportunity to submit comments. We remain available to respond to any questions.

Sincerely,



Helen Cleary
Founder & Leader
OSH Proterie

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