

# Residential Construction Fall Protection Q&A

OSHA has recently announced directive (STD 03-11-002), which withdraws a former directive (STD 03-00-001) that allowed residential builders to bypass fall protection requirements and instead requires all residential construction employers to comply with 29 Code of Federal Regulations 1926.501(b)(13). The following are answers to common questions regarding the new requirements, which take effect June 16, 2011.

## **Which OSHA standards address fall hazards in construction work?**

OSHA standard 29 CFR Part 1926, Subpart M contains general fall protection requirements for construction work. Additional fall protection requirements are in Part 1926.

## **Now that OSHA has rescinded STD 03-00-001, what do residential construction employers have to do to protect employees from fall hazards?**

- Employees working 6 feet or more above lower levels must be protected by conventional fall protection methods (guardrail systems, safety net systems or personal fall arrest systems) or alternative fall protection measures allowed by other provisions of 29 CFR 1926.501(b) for particular types of work.
- An example of an acceptable alternative fall protection measure is the use of warning lines and safety monitoring systems during the performance of roofing work on low-sloped roofs. (4 in 12 pitch or less).
- OSHA allows the use of an effective fall restraint system in lieu of a personal fall arrest system. To be effective, a fall restraint system must be rigged to prevent a worker from reaching a fall hazard and falling over the edge. An example of a fall restraint system is a full body harness or body belt that is connected to an anchor point at the center of a roof by a lanyard of a length that will not allow a worker to physically reach the edge of the roof.
- When the employer can demonstrate that it is infeasible or creates a greater hazard to use required fall protection systems, a qualified person must develop a written site-specific fall protection plan in accordance with 1926.502(k) that, among other things, specifies the alternative fall protection methods that will be used to protect workers from falls.

## **When will residential construction employers that were covered by STD 03-00-001 have to start complying with 1926.501(b)(13)?**

The effective date of STD 03-11-002 is June 16, 2011.

## **What are the requirements for residential construction?**

Workers engaged in residential construction 6 feet or more above lower levels must be protected by conventional fall protection (guardrail systems, safety net systems or personal fall arrest systems) or alternative fall protection measures for particular types of work. An example of a personal fall arrest system is a full body harness, a deceleration device, a lanyard and an anchor point. If an employer can demonstrate that fall protection is infeasible or presents a greater hazard, it must implement a written, site-specific fall protection plan meeting OSHA requirements. The fall protection plan must specify alternative measures that will be used to eliminate or reduce the possibility of employee falls.



## **What are some of the benefits of rescinding STD 03-00-001?**

- Falls continue to be the leading cause of fatalities in residential construction. OSHA has concluded that fall hazards pose a significant risk of death or serious injury for construction workers and that compliance with the requirements of Subpart M is reasonably necessary to protect workers from those hazards.
- STD 03-00-001 addressed only certain, specified types of residential construction work. Withdrawing that directive will result in consistent enforcement policy with respect to all residential construction activities.
- Several state plan OSHA programs did not adopt, or have already rescinded, the enforcement policy described in STD 03-00-001. Therefore, rescinding the compliance directive will promote consistency among all states regarding the enforcement of fall protection requirements for residential construction.
- OSHA expects that further advances in the design technologies of fall protection equipment will be triggered by the demands of employers who may encounter compliance difficulties on particular work sites.

## **What is residential construction?**

OSHA's interpretation of residential construction for this purpose combines two elements, both of which must be satisfied for a project to be affected:

- The end-use of the structure being built must be as a home, i.e., a dwelling; and
- The structure being built must be constructed using traditional wood frame construction materials and methods.

The limited use of structural steel in a predominantly wood-framed home, such as a steel I-beam to help support wood framing, does not disqualify a structure from being considered residential construction.

Traditional wood frame construction materials and methods will be characterized by:

- Framing materials: Wood (or equivalent cold-formed sheet metal stud) framing, not steel or concrete; wooden floor joists and roof structures.
- Exterior wall structure: Wood (or equivalent cold-formed sheet metal stud) framing or masonry brick or block.
- Methods: Traditional wood frame construction techniques.

## **Why are only dwellings considered residential construction?**

Limiting the scope of 1926.501(b)(13) to the construction of homes/dwellings fits with the plain meaning of the term residential in the text of that paragraph and is consistent with OSHA's intent in promulgating that provision.

## **Can monitors still be used?**

Under 1926.501(b)(10), safety monitoring systems can be used in conjunction with a warning line system to protect employees during the performance of roofing work on roofs of 4 in 12 pitch or less. When such a roof is 50 feet (15.25 m) or less in width, a safety monitoring system can be used alone, i.e., without a warning line system. Under 1926.501(b)(13), if the employer can demonstrate that the use of conventional fall protection would be infeasible or create a greater hazard, monitors may be used as part of an employer's written fall protection plan under 1926.502(k).



## **Are there requirements for safety monitoring systems?**

Yes. Safety monitoring systems must meet the requirements of 29 CFR 1926.502(h) including, but not limited to, requirements that the monitor:

- Be competent to recognize fall hazards;
- Be on the same walking working surface and within visual sighting distance of the employee being monitored;
- Be close enough to communicate orally with the employee; and
- Not have other responsibilities that could take the monitor's attention from the monitoring function.

## **What are the training requirements for the use of fall protection systems?**

In accordance with 29 CFR 1926.503, the employer must ensure that each employee who might be exposed to fall hazards be trained by a competent person to recognize the hazards of falling and in the procedures to be followed to minimize those hazards. In addition, the employer must verify the training of each employee by preparing a written certification record that contains the name/identity of the employee trained, the date(s) of training, and the signature of the employer or the person who conducted the training.

## **Can a standardized fall protection plan be developed and implemented for the construction of dwellings that are of the same basic structural design?**

Before using a fall protection plan at a particular worksite, the employer must first be able to demonstrate that it is infeasible or presents a greater hazard to use conventional fall protection methods at that site. Fall protection plans must be site-specific. A written fall protection plan developed for repetitive use, e.g., for a particular style or model of home, will be considered site-specific only if it fully addresses all issues related to fall protection at that particular site. Therefore, a standardized plan will have to be reviewed, and revised as necessary, on a site-by-site basis.

## **Why did OSHA issue Instruction STD 3.1 "Interim Fall Protection Compliance Guidelines for Residential Construction" in 1995?**

Once the final rule for Subpart M was published, representatives from the residential construction industry, including the National Association of Home Builders (NAHB) and the National Roofing Contractors Association (NRCA), expressed ongoing concerns about complying with 1926.501(b)(13). For example, industry representatives were concerned about the feasibility of establishing proper anchor points on wood-framed structures. In response to their concerns and to give OSHA time to revisit some feasibility issues, the Agency issued Directive STD 3.1. The directive allowed employers doing specified residential construction activities to comply with the requirements of Subpart M by implementing the alternative fall protection and work procedures prescribed in the directive. The alternative procedures could be used without a prior showing of infeasibility or greater hazard and without a written fall protection plan. The Agency did not intend STD 3.1 to be a permanent policy.

## **Why did OSHA reissue STD 3.1 as STD 3-0.1A in 1998?**

OSHA issued STD 3-0.1A (later redesignated as STD 03-00-001) as a plain-language replacement for STD 3.1. In STD 03-00-001, OSHA made some changes to the original interim guidance to clarify the scope of the directive and the OSHA's enforcement policy with respect to fall protection requirements for the specific construction activities covered by the directive. In STD 03-00-001, OSHA indicated that it intended to re-evaluate the interim policy after soliciting additional public comment.



## **Why did OSHA issue an Advanced Notice of Proposed Rulemaking (ANPR) for Subpart M in 1999?**

OSHA issued an ANPR for Subpart M in 1999 in part to obtain information from the public that it could use to evaluate the effectiveness of and need for STD 03-00-001. In the ANPR, the OSHA noted that there had been progress in the types and capability of commercially available fall protection equipment since 1926.501(b)(13) was promulgated in 1994. OSHA also stated in the ANPR that it intended to rescind STD 03-00-001 unless persuasive evidence was submitted showing that it is infeasible or presents significant safety hazards for most residential construction employers to comply with 1926.501(b)(13).

## **Did OSHA rely on sources of information in addition to the comments received in response to the ANPR in evaluating whether to continue the interim enforcement policy contained in STD 03-00-001?**

Yes. A Residential Fall Protection Work Group within OSHA's Advisory Committee on Construction Safety and Health (ACCSH) has reported to ACCSH on a number of presentations they have seen from home builders and fall protection equipment manufacturers describing new ways of providing safe and effective fall protection in residential construction. ACCSH has recommended rescission of STD 03-00-001 on two separate occasions – first in 2000 and again in 2008. Also in 2008, both the Occupational Safety and Health State Plan Association (OSHSPA) and the NAHB submitted letters to OSHA advocating for withdrawal of STD 03-00-001. The NRCA has continued to oppose rescission of STD 03-00-001 with respect to roofing work, but a representative of that organization conceded at an ACCSH meeting in December 2009 that nowadays it is "very tough" to establish that conventional fall protection is infeasible or creates a greater hazard.

## **Why was compliance directive STD 03-00-001 rescinded?**

Falls continue to be the leading cause of death among construction workers. Statistics show that fatalities from falls are consistently high for residential construction activities. OSHA considered the comments received in response to the 1999 ANPR and was not persuaded that compliance with 1926.501(b)(13) is infeasible or presents significant safety hazards for most residential construction employers. The recommendations from ACCSH, OSHSPA, and the NAHB, as well as the mounting evidence that has been presented to the ACCSH Residential Fall Protection Work Group showing that conventional fall protection is available and can be used safely for almost all residential construction operations, provide a separate and independent grounds for OSHA's decision to withdraw STD 03-00-001.

## **Is OSHA prohibiting the use of slideguards as employee protection during the performance of roofing activities in residential construction?**

Slideguards cannot simply be used in lieu of conventional fall protection methods. However, slideguards may be used as part of a written, site-specific fall protection plan if the employer can demonstrate that the use of conventional fall protection (i.e., guardrail, safety net, or personal fall arrest systems) would be infeasible or create greater hazards.

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