



REGULATORY UPDATE

OSHA Issues Rules for Residential Fall Safety

EXECUTIVE SUMMARY

The Occupational Safety and Health Administration (OSHA) has issued new guidance on fall protection for residential construction employers. The new guidance, Directive STD 03-11-002, withdraws a former directive allowing residential builders to bypass fall protection requirements.

The directive:

- Requires all residential construction employers to comply with the OSHA rules for fall protection systems;
- Provides that employers must now prove that the use of conventional fall protection methods is infeasible or creates a greater hazard before using alternative fall protection methods; and
- Clarifies the definition of "residential construction."

This Henderson Brothers' Regulatory Update summarizes the new OSHA guidance, which will be enforced beginning on June 16, 2011. For a copy of the directive, see www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=4755.

OVERVIEW OF THE RESIDENTIAL FALL SAFETY RULES

General Rule

Under Directive STD 03-11-002, all residential construction employers must comply with the fall protection requirements found in **29 CFR 1926.501(b)(13)**. This section states that residential construction employers generally must ensure that employees working 6 feet or more above lower levels use **guardrails, safety nets or personal fall arrest systems**.

A personal fall arrest system is defined in 29 CFR 1926.500. It may consist of a full body harness, a deceleration device, a lanyard and an anchor point. An **effective fall restraint system** may be used in lieu of a personal fall arrest system. To be considered effective, the fall restraint system must be rigged to prevent a worker from reaching a fall hazard and falling over the edge. A fall restraint system may consist of 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.

Other fall protection measures may be used if they are allowed under other provisions of 29 CFR 1926.501(b) that address specific types of work. For example, section (b)(10) permits the use of warning lines and safety monitoring systems during the performance of roofing work on low-sloped roofs.

An employer does not have to use these conventional fall protection methods if it can demonstrate that their use is infeasible or creates a greater hazard. However, the employer must ensure that a qualified person creates a written, site-specific **fall protection plan** that complies with 29 CFR 1926.502(k). The fall protection plan must document the reasons that conventional fall protection systems are infeasible or their use would create a greater hazard.

Prior Interim Guidance

After the residential construction fall protection standard was originally issued in 1994, representatives of the residential construction industry argued that they needed more flexibility than the standard allowed. These requests led to interim guidance in the form of Directive STD 03-00-001, which allowed residential construction employers to

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use certain alternative methods of fall protection, such as slide guards or safety monitor systems, rather than the conventional methods required by the standard.

Under the interim directive, employers could use the alternative methods without first proving that the use of conventional fall protection was infeasible or created a greater hazard and without a written fall protection plan.

OSHA has issued the new directive because there continues to be a high number of fall-related deaths in construction, and industry experts are no longer as concerned about the feasibility of conventional fall protection methods. OSHA cited the National Association of Home Builders, OSHA's labor-management Advisory Committee for Construction Safety and Health, the AFL-CIO and the Occupational Safety and Health State Plan Association as supporters of the new directive.

Residential Construction Defined

The new directive provides clarification on the term "residential construction" as it is used in the standard. Residential construction is construction work that satisfies both of the following elements:

- 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.

Note that 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 keep a structure from being considered residential construction.

In general, traditional wood frame construction materials and methods are 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.

Source: Occupational Safety & Health Administration



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