

Resource Guide

NATIONAL ASSOCIATION OF HOME BUILDERS



Fall Protection Training



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What You Need To Know

- Recent changes to the Federal Occupational Safety and Health Administration’s (OSHA) enforcement of the Subpart M – Fall Protection standard affect anyone engaged in residential construction operating 6 feet or more above a lower level.
- Residential construction is defined as using traditional wood-frame materials and the end use of the structure must be as a home or dwelling.
- Employers must now provide conventional fall protection systems to all workers exposed to fall hazard 6 feet or more above a lower level.
- If it is infeasible or creates a greater hazard to provide conventional fall protection, the employer has the burden to demonstrate why it is infeasible or creates a greater hazard to use either conventional fall protection or work from ladders or scaffolding (which are covered in separate OSHA standards). Only after demonstrating that the use of conventional fall protection is infeasible or creates a greater hazard can employers implement a written fall protection program.
- Written fall protection plans must be site-specific and developed by a qualified person and implemented under the supervision of a competent person.
- Employers will be required to demonstrate the infeasibility of the required conventional fall protection systems or that such systems create a greater hazard if using alternative fall protection measures and a fall protection plan.
- The employer has the burden of establishing that it is appropriate to implement a fall protection plan.

NOTE: approximately half of the states operate their own State Plans or state OSHA’s, which may have different fall protection requirements than presented here.

Overview

The Federal Occupational Safety and Health Administration's (OSHA) fall protection requirements for residential construction are set out in Subpart M at 29 CFR 1926.501(b)(13), which requires conventional fall protection (i.e., guardrail systems, safety net systems, or personal fall arrest systems) for work 6 feet or more above lower levels, except where employers can demonstrate that such fall protection systems are infeasible or would create a greater hazard. This rule was published in 1994.

After OSHA issued 1926.501(b)(13), the residential construction industry argued that they needed even more compliance flexibility than the standard allowed. As a result, OSHA issued Instruction STD 3.1 – Interim Fall Protection Compliance Guidelines for Residential Construction in 1995. STD 3.1, which was never intended to be a permanent policy, set out an interim compliance policy that permitted employers engaged in certain residential construction activities to use specified alternative procedures instead of conventional fall protection. These alternative procedures could be used without a prior showing of infeasibility or greater hazard and without a written, site-specific fall protection plan.

Current Status

On Dec. 22, 2010, Federal OSHA rescinded STD 3.1 – Interim Fall Protection Compliance Guidelines for Residential Construction and employers must now comply with OSHA's Subpart M – Fall Protection regulation. Employers had until June 16, 2011 to come into compliance with the new directive and Subpart M.

Under 29 CFR 1926.501(b)(13), workers engaged in residential construction six (6) feet or more above lower levels must be protected by conventional fall protection (i.e., guardrail systems, safety net systems, or personal fall arrest systems) or other fall protection measures allowed elsewhere in 1926.501(b). However, if an employer can demonstrate that such fall protection is infeasible or presents a greater hazard, it may implement a fall protection plan meeting the requirements of 1926.502(k). The fall protection plan's alternative measures must utilize safe work practices that eliminate or reduce the possibility of a fall. The plan must be written and be site-specific. A written plan developed for repetitive use for a particular style/model home will be considered site-specific with respect to a particular site only if it fully addresses all issues related to fall protection at that site.

In a June 8, 2011 letter to NAHB, OSHA Administrator, Dr. David Michaels announced a 90-day phase-in period for employers to come into compliance with the revised fall protection requirements. During this phase-in period, if deficiencies are found, OSHA will issue hazard alert letters to those employers who are in full compliance with STD 3.1 – Interim Fall Protection Compliance Guidelines for Residential Construction, or are making a good faith effort to comply with the new requirements. This phase-in period ended on **Sept. 16, 2011**.

Questions and Answers

Which OSHA standards address fall hazards in construction work?

29 CFR Part 1926, Subpart M, which became effective on February 6, 1995, contains general fall protection requirements for construction work. Additional fall protection requirements can be found throughout Part 1926.

NOTE: Many states operate their own state occupational safety and health plans. These states may have adopted construction standards that are different from federal OSHA. If you live in a state with an approved occupational safety and health plan, contact your local administrator for further information on the standards applicable in your state (see OSHA "state plan states" at <http://www.osha.gov/dcsp/osp/index.html> for more information.

What are the Subpart M requirements for residential construction?

Under 29 CFR 1926.501(b)(13), workers engaged in residential construction six (6) feet or more above lower levels must be protected by conventional fall protection (i.e., guardrail systems, safety net systems, or personal fall arrest systems) or alternative fall protection measures allowed under 1926.501(b) for particular types of work. A personal fall arrest system may consist of a full body harness, a deceleration device, a lanyard, and an anchor point. (See the definition of "personal fall arrest system" in 29 CFR 1926.500). If an employer can demonstrate that fall protection required under 1926.501(b)(13) is infeasible or presents a greater hazard it must implement a written, site-specific fall protection plan meeting the requirements of 29 CFR 1926.502(k). The fall protection plan must specify alternative measures that will be used to eliminate or reduce the possibility of employee falls.

There is a "Sample Fall Protection Plan" in Appendix E of Subpart M. Why did OSHA prepare this appendix?

OSHA included Appendix E in Subpart M to show employers and employees what a compliant fall protection plan might look like.

How do employers justify the use of a written fall protection plan?

OSHA requires the use of conventional fall protection systems (personal fall arrest systems, guardrails, or safety nets) when workers are engaged in residential construction 6 feet or more above a lower level. Only when an employer has established that it is infeasible or creates a greater hazard to use either conventional fall protection systems or other protective systems covered under OSHA standards (i.e. scaffolds, ladders, and aerial lifts) can a qualified person develop a site-specific written fall protection plan.

Employers have the burden of establishing that it is appropriate to implement a fall protection plan.

There is a presumption that it is feasible and will not create a greater hazard to implement one of the conventional fall protection methods (personal fall arrest system, guardrails, or safety nets); and accordingly the employer has the burden of establishing that it is appropriate to implement a fall protection plan that complies with 1926.502(k).

Who is a qualified person?

A person who through recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to fall at the jobsite. This person could be the owner, the supervisor, or a worker who has extensive knowledge of, training in, and experience with fall protection and is able to solve problems relating to fall protection.

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.

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 six (6) feet or more above lower levels must be protected by conventional fall protection methods listed in 1926.501(b)(13) (i.e., 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 alternative fall protection measure allowed under 1926.501(b) 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). (See 1926.501(b)(10)).
- 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. 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.
- 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.

*NOTE: On June 9, 2011, Federal OSHA announced a three month phase-in period to allow residential construction employers to come into compliance with the Agency's new directive to provide residential construction workers with fall protection. The three month phase-in period runs June 16 - **September 15, 2011**. During this time, if the employer is in full compliance with the old directive (STD 03-00-001), OSHA will not issue citations, but will instead issue a hazard alert letter informing the employer of the feasible methods they can use to comply with OSHA's fall protection standard or implement a written fall protection plan. If the employer's practices do not meet the requirements set in the old directive, OSHA will issue appropriate citations. More information can be found at http://www.osha.gov/doc/residential_fall_protection.html.*

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.

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 has been trained by a competent person to recognize the hazards of falling and in the procedures to be followed in order 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.

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 under 1926.501(b)(13). However, slideguards may be used as part of a written, site-specific fall protection plan that meets the requirements of 1926.502(k) 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.

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 which could take the monitor's attention from the monitoring function.

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 to comply with §1926.502(k). A written fall protection plan developed for repetitive use, e.g., for a particular style or model of home, will be considered site-specific with respect to a particular site only if it fully addresses all issues related to fall protection at that site. Therefore, a standardized plan will have to be reviewed, and revised as necessary, on a site by site basis.

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.

Can general contractors who hire subcontractors be subject to OSHA citations for work that is conducted by a subcontractor's employees?

Yes, under OSHA's Multi-Employer Citation Policy more than one employer may be citable for a hazardous condition that violates an OSHA standard. If an employer is either the creating, exposing, correcting, or controlling employer they have obligations with respect to OSHA requirements.

What is "residential construction"?

The Agency's interpretation of "residential construction" for purposes of 1926.501(b)(13) combines two elements – both of which must be satisfied for a project to fall under that provision:

- 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 comports 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.

What are the differences between the Interim Guidelines and Subpart M?

The differences between the requirements of the Interim Guidelines and Subpart M are summarized in the table below.

	Interim Fall Protection Guidelines (Dec. 8, 1995 – June 15, 2011)	Fall Protection Requirements of Subpart M (June 16, 2011 and beyond)
General Requirements		
Use of Conventional Methods (guardrails, safety nets, or personal fall arrest systems) for fall exposures over 6 feet	Required, unless infeasible or creates greater hazard	Required, unless infeasible or creates greater hazard
Use of Alternative Methods (slide guards, safety monitoring systems, warning line, etc.)	Allowed, for prequalified tasks identified by OSHA as meeting a greater hazard and other tasks where infeasibility or greater hazard could be demonstrated	Allowed, but employer has the burden to demonstrate conventional methods are infeasible or creates greater hazard before using
Site Specific Fall Protection Plan (only if using Alternative Methods)	Required, but does not have to be written	Required, must be written
Training	Employees must be trained to understand and follow the Fall Protection Plan	Employees must be trained to understand and follow the Fall Protection Plan
Roofing-Specific Requirements		
Low Slope Roofs (4:12 pitch or less)	Use of warning lines and safety monitoring systems allowed	Use of warning lines and safety monitoring systems allowed
Slope Roofs (over 4:12 up to and including 8:12)	Use of slide guard allowed	Guardrails or personal fall arrest system required
Steep Slope Roofs (over 8:12)	Guardrails or personal fall arrest system required	Guardrails or personal fall arrest system required

Resources

For more information, go to:

- NAHB-NAHB Research Center Fall Protection Training PowerPoint Presentation, Rev. Sept. 2011: www.toolbase.org/Best-Practices/Job-Site-Safety/fall-protection-training
- NAHB website for residential fall protection safety training, education, and information: www.nahb.org/fallprotection
- NAHB source for all safety related content: www.nahb.org/safety
- www.BuilderBooks.com/safety is your source for all NAHB safety handbooks and videos.
- OSHA website for residential fall protection information: www.osha.gov/doc/residential_fall_protection.html

Contact Information

NAHB Labor, Safety & Health Department

Need additional information or have questions, please contact:

- Robert Matuga, Assistant Vice President
 - (800) 368-5242 ext. 8507
 - rmatuga@nahb.org

- Marcus Odorizzi, Safety Specialist
 - (800) 368-5242 ext. 8590
 - modorizzi@nahb.org

