

Regulatory Update

Regulation Summary: Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems); OSHA's Final Rule

December, 2016

General Industry 29 CFR 1910

On November 17, 2016, OSHA published its final rule on Walking and Working Surfaces. The 513 page copy from the *Federal Register* can be downloaded at:

<https://www.federalregister.gov/documents/2016/11/18/2016-24557/walking-working-surfaces-and-personal-protective-equipment-fall-protection-systems>

Who and what does the final rule cover?

The final rule applies to all general industry workplaces and covers all walking-working surfaces, which include horizontal and vertical surfaces such as floors, stairs, roofs, ladders, ramps, scaffolds and elevated walkways. The final rule also has provisions affecting fall protection systems.

The final rule covers a wide variety of general industry entities, including building management services, utilities, warehousing, retail, window cleaning, chimney sweeping and outdoor advertising. It does not change construction or agricultural standards.

Summary:

OSHA is revising and updating its general industry standards on walking-working surfaces to prevent and reduce workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking-working surface hazards. The final rule includes revised and new provisions addressing, for example, fixed ladders, rope descent systems, fall protection systems and criteria including personal fall protection systems, and training on fall hazards and fall protection systems. In addition, the final rule adds requirements on the design, performance, and use of personal fall protection systems.

The final rule increases consistency between the general industry and construction standards, which will make compliance easier for employers who conduct operations in both industry sectors. Similarly, the final rule updates requirements to reflect advances in technology and to make them consistent with more recent OSHA standards and national consensus standards. OSHA has also reorganized the requirements and incorporated plain language in order to make the final rule easier to understand and follow. The final rule also uses performance-based

language whenever possible to give employers greater compliance flexibility. OSHA estimates that these changes will prevent 29 fatalities and 5,842 lost-workday injuries every year.

Effective Date: This final rule becomes effective on January 17, 2017.

Some requirements in the final rule have compliance dates established after the effective date. This allows time for employers to implement the standard.

Compliance Dates. Most of the requirements in the final rule are existing provisions that OSHA is retaining and updating. OSHA believes that employers already are in compliance with those provisions and, therefore, it is not necessary to give additional time to comply with them. However, for some of the new requirements in the final rule, OSHA is providing employers with additional time to come into compliance. The extended compliance dates give employers time to get familiar with the new requirements, evaluate changes they may need to make, purchase equipment necessary to comply with the final rule, and develop and present required training. In addition, the extended compliance dates allows employers to upgrade their fall protection systems as part of the normal “business cycle” or “useful life” of equipment (*i.e.*, cage, well, fixed ladder), which reduces compliance costs.

The following table specifies the amount of additional time OSHA is giving employers to certify anchorages, equip fixed ladders with fall protection, and train workers:

Final Subpart D Section and Requirement	Compliance Date
§1910.27(b)(1) – Certification of anchorages	November 20, 2017
§1910.28(b)(9)(i)(A) – Deadline by which employers must equip existing fixed ladders with a cage, well, ladder safety system, or personal fall arrest system	November 19, 2018
§1910.28(b)(9)(i)(B) – Deadline by which employers must begin equipping new fixed ladders with a ladder safety system or personal fall arrest system	November 19, 2018
§1910.28(b)(9)(i)(D) – Deadline by which all fixed ladders must be equipped with a ladder safety system or personal fall arrest system	November 18, 2036
§1910.30(a) and (b) – Deadline by which employers must train employees on fall and equipment hazards	May 17, 2017

What are the major changes in the final rule?

The final rule includes a number of revisions to the existing general industry standards. These changes and new requirements include:

- **Fall protection flexibility (§1910.28(b)).** The final rule allows employers to protect workers from falls by choosing from a range of accepted fall protection systems, including personal fall protection systems. It eliminates the existing mandate to use guardrails as the primary fall protection method and gives employers the flexibility to determine what method they believe will work best in their particular workplace situation. This approach has been successful in the construction industry since 1994. The final rule allows employers to use non-conventional fall

protection practices in certain situations, such as designated areas on low-slope roofs for work that is temporary and infrequent and fall protection plans on residential roofs when employers demonstrate guardrail, safety net, or personal fall protection systems are not feasible or create a greater hazard (§1910.28(b)(1) and (b)(13)).

- **Updated scaffold requirements (§1910.27(a)).** The final rule replaces the outdated general industry scaffold standards with the requirement that employers comply with OSHA's construction scaffold standards.
- **Phase-in of ladder safety systems or personal fall arrest systems (PFAS) on fixed ladders (§1910.28(b)(9)).** The final rule phases in over 20 years a requirement to equip fixed ladders (that extend over 24 feet) with ladder safety or personal fall arrest systems and prohibits the use of cages and wells as a means of fall protection after the phase-in deadline. There is wide recognition that cages and wells do not prevent workers from falling from fixed ladders or protect them from injury if a fall occurs. The final rule grandfathers in cages and wells on existing ladders, but requires during the phase-in period that employers equip new ladders and replacement ladders/ladder sections with ladder safety or personal fall arrest systems.
- **Phase-out of the "qualified climber" exception in outdoor advertising (§1910.28(b)(10)).** The final rule phases out OSHA's directive allowing qualified climbers in outdoor advertising to climb fixed ladders on billboards without fall protection and phases in the requirement to equip fixed ladders (over 24 feet) with ladder safety or personal fall arrest systems. Outdoor advertising employers must follow the fall protection phase-in timeline for fixed ladders. However, if ladders do not have any fall protection, outdoor advertising employers have 2 years to comply with the existing standard (i.e., install a cage or well) or, instead, they may install a ladder safety or personal fall arrest system, both of which can be more cost efficient than cages or wells.
- **Rope descent systems (RDS) and certification of anchorages (§1910.27(b)).** The final rule codifies OSHA's memorandum for employers who use RDS to perform elevated work. The final rule prohibits employers from using RDS at heights greater than 300 feet above grade unless they demonstrate it is not feasible or creates a greater hazard to use any other system above that height. In addition, the final rule requires building owners to provide and employers to obtain information that permanent anchorages used with RDS have been inspected, tested, certified, and maintained as capable of supporting at least 5,000 pounds per employee attached.
- **Personal fall protection system performance and use requirements (§1910.140).** The final rule, which allows employers to use personal fall protection systems (i.e., personal fall arrest, travel restraint, and positioning systems), adds requirements on the performance, inspection, use, and maintenance of these systems. Like OSHA's construction standards, the final rule prohibits the use of body belts as part of a personal fall arrest system.
- **Inspection of walking-working surfaces (§1910.22(d)).** The final rule requires that employers inspect walking-working surfaces regularly and as needed and correct, repair, or guard against hazardous conditions.
- **Fall Protection Snap Hooks, D-Rings and Carabiners.** The final rule requires that D-rings, snaphooks, and carabiners be proof tested to a minimum tensile load of 3,600 pounds without cracking, breaking, or incurring permanent deformation. OSHA also added a new

requirement to final paragraph (c)(8) specifying that the gate strength of snaphooks and carabiners also must be proof tested to 3,600 pounds in all directions. This direction aligns with ANSI/ASSE Z359.12 standard for Connection Components for personal fall arrest systems.

- **Low-Slope Roof.** This is a new term that OSHA added to the final rule. Low-slope roof is defined as a roof with a slope less than or equal to a ratio of 4 in 12. A ratio of 4 in 12 means a vertical rise of 4 units (e.g., inches, feet, and meters) to every 12 units of horizontal run. The final definition is almost identical to the definition of “low-slope roof” found in the construction fall protection standard in § 1926.500(b). OSHA added this term to final paragraph (b) because the final rule includes a new provision on controlling fall hazards on low-slope roofs (final § 1910.28(b)(13)), which is consistent with the construction fall protection standard in § 1926.501(b)(10). OSHA is aware that low-slope roofs also are referred to as “flat roofs.” However, even a so-called “flat roof” has some slope to allow for drainage. As such, OSHA believes that the term “low-slope roof” more accurately represents these roofing configurations.
 - Less than 6 feet from edge: acceptable forms of fall protection are guard rails, nets, travel restraint or PFAS.
 - 6 feet to less than 15 feet from edge: acceptable forms of fall protection are guard rails, netting, travel restraint or PFAS. Employer may use a designated area (warning line) when performing work that is both infrequent and temporary.
 - 15 feet or more from edge: acceptable forms of fall protection are guard rails, netting, travel restraint or PFAS or designated area (warning line). Employer is not required to provide any fall protection if work is both infrequent and temporary, and they implement and enforce a work rule prohibiting employee from going within 15 feet of edge without using fall protection.
- **Training (§1910.30).** The final rule adds requirements that employers ensure workers who use personal fall protection and work in other specified high hazard situations are trained, and retrained as necessary, about fall and equipment hazards, including fall protection systems. Employers must provide information and training to each worker in a manner the worker understands.

Outdoor Advertising

What are the new fall protection requirements for the outdoor advertising industry?

The final rule phases in a requirement to equip fixed ladders (over 24 feet) on billboards, with fall protection and to ensure outdoor advertising workers use the fall protection while climbing fixed ladders. The final rule establishes the following timeline for installing fall protection on billboard fixed ladders:

- Outdoor advertising employers have **two years** to install a cage, well, ladder safety system, or personal fall arrest system on billboard fixed ladders that are not equipped with any fall protection (§1910.28(b)(10)(ii)).
- Outdoor advertising employers have **20 years** to install a ladder safety or personal fall arrest system on billboard fixed ladders that have a cage or well (§1910.28(b)(9)(i)(D)).

- Outdoor advertising employers must equip **new** billboard ladders with a ladder safety system or personal fall arrest system (§1910.28(b)(9)(i)(B)).
- Outdoor advertising employers must equip billboard ladder and section **replacements** with a ladder safety system or personal fall arrest system (§1910.28(b)(9)(i)(C)).

Currently, outdoor advertising employers are only required to install fall protection (i.e., ladder safety systems) where the length of a climb exceeds 50 feet or the height of the ladder extends more than 65 feet above grade.

Residential Roofs

Why did OSHA add the residential roof provision to the final rule?

OSHA included this provision in the final rule to increase consistency between the general industry and construction standards, which makes compliance easier for general industry employers who perform both types of activities on residential roofs. Also, requiring employers to develop and implement a fall protection plan ensures that employers take additional action to reduce fall hazards when guardrail, safety net, and personal fall protection systems cannot be used. Many stakeholders urged OSHA to add this provision to the final rule.

Rolling Stock

Final Rule does not include any specific requirements for fall protection on rolling stock and motor vehicles and OSHA's current enforcement policies on rolling stock and motor vehicles will remain in effect. This issue is discussed further in the Summary and Explanation for final rule § 1910.21(a).

Timeline

Most of the final rule will become effective 60 days after publication in the Federal Register, but some provisions have delayed effective dates, including:

- Ensuring exposed workers are trained on fall hazards (6 months).
- Ensuring workers who use equipment covered by the final rule are trained (6 months).
- Inspecting and certifying permanent anchorages for rope descent systems (1 year).
- Installing personal fall arrest or ladder safety systems on new fixed ladders over 24 feet and on replacement ladders/ladder sections, including fixed ladders on outdoor advertising structures (2 years).
- Ensuring existing fixed ladders over 24 feet, including those on outdoor advertising structures, are equipped with a cage, well, personal fall arrest system, or ladder safety system (2 years).
- Replacing cages and wells (used as fall protection) with ladder safety or personal fall arrest systems on all fixed ladders over 24 feet (20 years).

Additional information on OSHA's rule on walking-working surfaces and personal fall protection systems can be found at www.osha.gov/walking-working-surfaces