

Oregon Occupational Safety & Health Division
Technical Guidance

DATE: August 21, 2024
TO: All Oregon OSHA Staff
FROM: Dave McLaughlin, Standards and Technical Manager
SUBJECT: Duty to Ensure Employees are Protected from Falling to a Lower Level When Work is Performed at or Near a Vertical Entrance to an Elevated Walking-Working Surface

Question:

When the definition of “**unprotected sides and edges**” is reviewed in relationship to the definition of “**walking-working surface**” for both Division 2 and Division 3 applications, a question arises if an employer has a duty to protect employees from falling to a lower level when employees are at or near the ‘entrances to points of access’ on an elevated walking-working surface, such as at the entry point of a fixed ladder onto a mezzanine (Figure 1).

Background:

Points of access/egress to walking-working surfaces at different levels such as catwalks, roofs, runways, mechanical equipment, and mezzanines can be provided through a variety of methods, including: standard stairs (between 30 and 50 degrees), alternating tread-type stairs, spiral stairs, ship stairs (ship ladder), ramps, portable ladders and fixed ladders. These methods of providing access/egress are either sloped, such as standard stairs or ramps, or are much more vertically oriented, such as the fixed ladder depicted in Figure 1. Furthermore, entrances for points of access/egress either come up through a hole in the walking-working surface or are located next to (adjacent) the walking-working surface. Figure 1 depicts an entrance to a point of access/egress that is located adjacent to the upper walking-working surface.

This Technical Guidance is directed toward situations where the method of providing the point of access/egress to another walking-working surface level is both:

- a) Vertical, and
- b) Adjacent to the walking-working surface

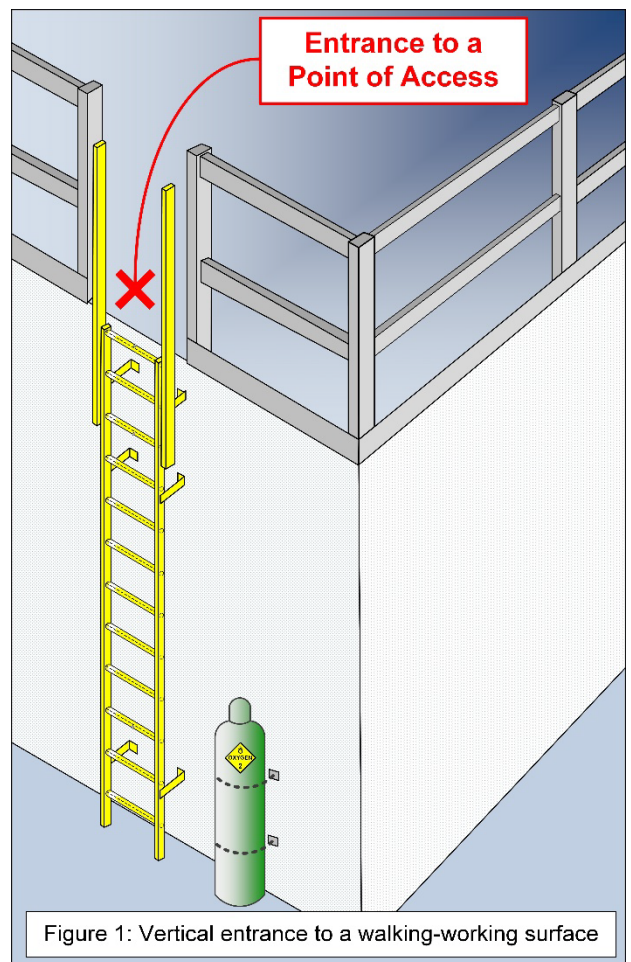


Figure 1: Vertical entrance to a walking-working surface

This document is not intended to address scaffolding, covered by Division 3, Subdivision L.

Guidance:

In Oregon, when an employee is **transitioning through** the entrance of a vertical point of access/egress in their course of travel and is not actively performing work at or near the vertical point of access, Oregon OSHA does not expect the employer to protect that employee from falling over the edge by any type of self-closing gate or other fall protection system when the entrance is positioned adjacent to the edge of an elevated walking-working surface.

Note: There are other requirements that specifically address the hazard of falling through holes created by points of access/egress that come up through a walking-working surface.

However, in Oregon, when an employee is **performing work** at or near the entrance of a vertical point of access/egress that is positioned adjacent to the edge of an elevated walking-working surface, such as a fixed ladder at the edge of a mezzanine as represented in Figure 1, the employer must ensure that each employee working at or near that unguarded vertical entrance point of access/egress is protected from falling 4-feet or more to a lower level for Division 2 applications, 6-feet or more to a lower level for Division 3 applications, or 10-feet or more to a lower level for Division 4 applications by either a:

- 1) self-closing gate that does not swing to the exterior of the walking-working surface and completes the existing guardrail system,
- 2) safety net system,
- 3) personal fall arrest system,
- 4) travel restraint system, or
- 5) positioning system.

Oregon OSHA Citation Guidance

For Division 2 situations where an employee is performing work at or near the entrance of a vertical point of access/egress that is positioned adjacent to the edge of an elevated walking-working surface that is not already regulated as a 'hoist area' under 1910.28(b)(2), Compliance Officers will consider a citation of 29 CFR 1910.28(b)(15) instead of 1910.28(b)(1).

For Division 3 situations where an employee is performing work at or near the entrance of a vertical point of access/egress that is positioned adjacent to the edge of an elevated walking-working surface, Compliance Officers will consider a citation of OAR 437-003-1501(1).

For Division 4 situations where an employee is performing work at or near the entrance of a vertical point of access/egress that is positioned adjacent to the edge of an elevated walking-working surface, Compliance Officers will consider a citation of OAR 437-004-1020(2).

Compliance Officers are encouraged to review this Technical Guidance with their manager, when necessary.