



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division

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Russell K. Nicolai, Board Secretary
United Union of Roofers, Waterproofers and Allied Workers
2725 SE 21st Avenue
Portland, Oregon 97202

Dear Mr. Nicolai:

This letter is to update Oregon OSHA's response because of changes in the fall protection requirements.

You ask about Oregon OSHA's requirements for fall protection when performing building maintenance at heights over 10 feet. You also ask if there are any exceptions to the rules when work is of short duration, such as one hour.

Building maintenance, generally interpreted as making or keeping a structure, fixture, or foundation in proper condition in a routine, scheduled, or anticipated fashion, normally falls under the scope of Division 2, General Industry. In these situations, 1910.28 (b), located in Subdivision D, requires all employees to be protected from falls when working on unguarded surfaces more than 4 feet above lower levels, with exceptions for repair pits, service pits, assembly pits, dock boards, and low-slope roofs (2:12 or less) provided certain criteria are met by the employer; or at any height above dangerous equipment.

When the work progresses beyond maintenance, that work would be defined as a construction activity covered by Division 3, Construction. The fall protection rules for construction in Division 3, Subdivision M, would apply; specifically OAR 437-003-1501. OAR 437-003-1501(1) requires fall protection for all employees exposed to falls of 6 feet or more to lower levels except when trigger heights are reduced to less than 6 feet above dangerous equipment. Employees must be protected from falls into or onto dangerous equipment by guardrail systems or equipment guards.

Oregon OSHA field staff evaluates jobs of short duration on an individual basis. Fall protection is required when feasible. Feasibility must be considered on a case-by-case basis, such as the exception in Division 3, Subdivision M that allows for inspections, investigations or assessments of workplace conditions, prior to the actual start of construction or after all construction has been

completed, to be performed without fall protection (see Div 3/M, 1926.500(a)(1)). Or, instances where exposure to a potential fall is greater during the installation of a fall protection system than for completion of the task without fall protection (considering such factors as time, location, available equipment, environmental conditions, and risk), then tasks of short duration may be completed without fall protection. With adequate planning and use of correct equipment, fall protection is almost always feasible, and can almost always be provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Trena VanDeHey". The signature is fluid and cursive, with the first name "Trena" and last name "VanDeHey" clearly distinguishable.

Trena VanDeHey, Standards & Appeals Manager
Oregon Occupational Safety & Health Division

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