



Oregon Occupational Safety & Health Division Technical Guidance

DATE: July 5, 2017

TO: All Oregon OSHA Staff

FROM: Trena VanDeHey, Standards & Appeals Manager

SUBJECT: Standard guardrails and alternative barriers such as parapet walls.

Question: Is it acceptable to use a reduced height barrier, such as a parapet wall, instead of a standard guardrail to protect employees exposed to a fall hazard?

Answer: No. Effective Nov. 1, 2017, barriers such as parapets that do not satisfy the minimum guardrail system height criteria of 42 inches +/-3 inches as required by 1910.29(b)(1) and 1926.502(b)(1) will not be accepted as an alternative to a guardrail when used in general industry or construction applications.

Background: Based on federal OSHA's proposed rule language in 1990 and again in 2003 for *Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)* for general industry, Oregon OSHA produced two guidance documents on acceptable alternative barriers when standard guardrails are infeasible:

- Interoffice Memorandum: *Acceptable Guardrails & Stair Railing Heights*, issued on July 29, 1999
- Fact Sheet: *Standard Railing for General Industry Workplaces*, issued on Sept. 2014.

The federally proposed rule language was limited to general industry activities; therefore, these two documents provided an alternative to standard guardrails for general industry employers. Oregon OSHA, through policy, extended the concept to construction employers based on the proposed federal OSHA language at that time. Oregon OSHA's guidance permitted both general industry and construction employers to reduce the height of the top surface of a guardrail system to no less than 30 inches at any point, provided the sum of the depth (width), and the height of the top edge of the top member was at least 48 inches. This alternative was known as a reduced height guardrail system (RHGS) and was permissible when a standard guardrail was infeasible. Figure 1 below depicts examples where the sum of the width (measured at the top), added to the height, equals 48 inches:

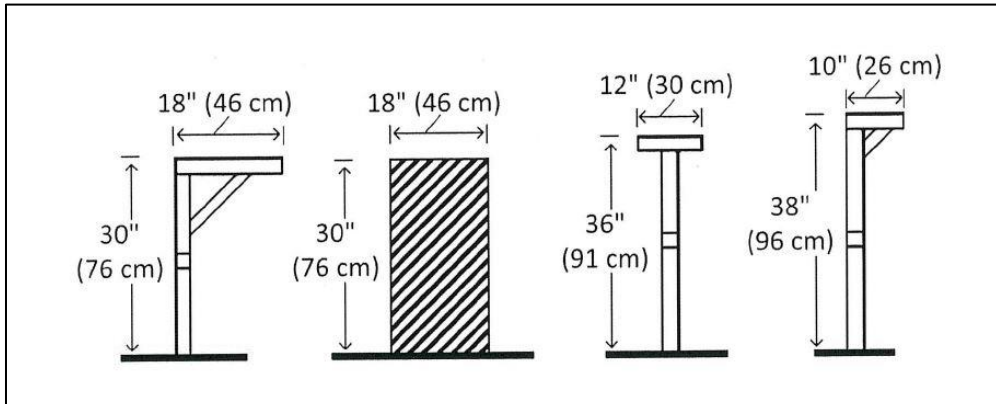


Figure 1: Measuring width and height.

Note: Effective Nov. 1, 2017 Oregon OSHA will no longer recognize the Figure 1 examples as an equivalent type of fall protection when compared to a guardrail system, as previously allowed.

Federal OSHA rescinded their proposed 1990 and 2003 *Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)* rule language with their 2010 rule proposal, published in the Federal Register on May 24, 2010. The RHGS option was not included in the 2010 proposal. Federal OSHA said that they were still seeking comment on the subject to determine if they should include it in a final rule. Oregon OSHA made the decision to continue to allow employers to use RHGS as a viable option to standard guardrail systems as long as federal OSHA was still considering the concept for inclusion in a future final rule. On Aug. 28, 2015, Oregon OSHA updated the Interoffice Memorandum: *Acceptable Guardrails & Stair Railing Heights*, issued on July 29, 1999 to include the following language:

“In Oregon, barriers continue to be an acceptable alternative method for RHGSs. Oregon OSHA will reassess its position when federal OSHA adopts a final rule.”

On Nov. 18, 2016 federal OSHA published in the Federal Register the final rule on *Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)* for general industry. This final rule became effective in federally administered states on Jan. 17, 2017. The option for RHGS was not included in the final rule. The preamble discussion to the final rule in the Federal Register (page 82618) specifically addresses why RHGS are no longer a functional equivalent to guardrails.

On May 16, 2017, Oregon OSHA adopted Oregon’s version of the general industry *Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)* rule (AO 2-2017). This rule was adopted with the assistance of Oregon OSHA’s Walking-Working Surface Advisory Committee that included business representatives from various industries throughout the state. The future acceptability of sub-standard guardrails (less than 39 inches in height) was discussed during these advisory committee meetings. Oregon OSHA informed the advisory committee that the concept of RHGS would need to be discontinued for Oregon OSHA to remain equally as effective as federal OSHA. To eliminate confusion with what is acceptable as a fall protection system and to remain equally as effective as federal OSHA, Oregon OSHA will no

longer recognize RHGS as an equivalent type of fall protection when compared to a guardrail system in either general industry or construction. Subsequently, after Oct. 31, 2017, guardrails must meet the minimum criteria in the newly adopted *1910.29 Fall Protection Systems and Falling Object Protection – Criteria and Practices*. As required by both Division 2 and Division 3, the top edge height must be 42 inches +/- 3 inches. Standard guardrails for agricultural employers must satisfy the requirements of *OAR 437-004-0320(6) Railing, toeboards, and cover specifications*.