

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

PROGRAM DIRECTIVE

Program Directive A-178
Issued April 1, 1993
Revised June 14, 2018

SUBJECT: Ladders: Fixed Ladders used on Outdoor Advertising Structures and Billboards

AFFECTED STANDARDS/

DIRECTIVES: [Division 2/D Walking Working Surfaces](#)
[1910.28\(b\)\(9\) Fixed ladders & \(b\)\(10\) Outdoor advertising \(billboards\)](#)
[1910.29\(h\) Outdoor advertising](#)
[STD 01-01-014, Fixed Ladders Used on Outdoor Advertising Structures/Billboards in the Outdoor Advertising Industry](#)

PURPOSE: To advise Oregon OSHA staff members of how the Walking-Working Surface requirements in Division 2/D affect employers in the outdoor advertising industry (billboards), and to provide guidance when inspecting employees who climb fixed ladders of billboards before Nov. 1, 2019, that are not equipped with fall protection systems.

BACKGROUND: In 1991 Gannett Outdoor Companies, now known as Outfront Media, LLC, was granted a permanent variance by federal OSHA from the previous General Industry safety standards, which allowed them to climb fixed ladders without fall protection (i.e., ladder safety systems). In lieu of installing cages, wells, and platforms on fixed ladders of billboards that would have otherwise been required on any fixed ladder over 20 feet, the variance allowed a “qualified climber” with an 18-inch rest lanyard attached to a safety belt or body harness to climb fixed ladders up to 50 feet, or 65 feet above grade, and required the use of a ladder safety system when climbing above those heights. In 1993 federal OSHA extended the permanent variance to other employers doing similar work provided they comply with the conditions of the variance contained in the policies and guidelines of OSHA Instruction STD 01-01-014.

In November 2016, federal OSHA published in the Federal Register their final rule titled: “**Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems).**” This general industry final rule revised the previous walking-working surfaces standards within 29 CFR part 1910, subpart D, and created a new standard and non-mandatory appendixes for fall protection systems within 29 CFR part 1910, subpart I. These extensive changes, which replaced the previous Walking-Working

Surface regulations in Division 2/D, include new fall protection requirements for fixed ladders giving employers more options for protecting employees from falls. The final rule also phases out federal OSHA's policy set forth by STD 01-01-014 that allows "qualified climbers" to climb fixed ladders on billboards without fall protection, and requires employers in the outdoor advertising industry to install a cage, well, ladder safety system, or personal fall arrest system on fixed billboard ladders that are not equipped with any fall protection in accordance with 1910.28(b)(9) by a delayed effective date of Nov. 18, 2018, and to equip all ladders extending more than 24 feet above a lower level with a ladder safety system or personal fall arrest system by Nov. 18, 2036.

During this phase out, 1910.28(b)(10)(ii) of the final rule allows "qualified climbers" to continue to climb fixed billboard ladders over 24 feet without fall protection until Nov 18, 2018, provided the employer meet certain criteria that is equivalent to the conditions of the permanent variance granted to Gannet Outdoor Companies (Outfront Media, LLC) and the policies in STD 01-01-014. Because of advances in technology that have made ladder safety and personal fall arrest systems on fixed ladders feasible, effective, and affordable, federal OSHA intends to revoke the variance and rescind STD 01-01-014 on Nov. 18, 2018.

In May 2017, Oregon OSHA adopted the new walking-working surfaces and personal protective equipment rules for general industry which became effective on Nov. 1, 2017. However, in order to give Oregon employers time to understand and implement changes, the delayed effective date for the new fall protection requirements for fixed ladders, and fixed ladders of billboards in Oregon is Nov 1, 2019. The delayed effective date requiring ladder safety systems or personal fall arrest systems on all fixed ladders that extend more than 24 feet above a lower level in Oregon is Nov 1, 2036.

ACTION:

When inspecting employers in the outdoor advertising industry (billboards) who have employees who climb fixed billboard ladders before Nov. 1, 2019, compliance officers will enforce the applicable rules in 1910.28(b)(10), Outdoor advertising (billboards), and the applicable standards in Div2/D as follows:

1. Each employee who climbs a fixed billboard ladder must be protected by a ladder safety system or personal fall arrest system when the length of climb is more than 50 feet or the height of the ladder extends more than 65 feet above grade.
2. For fixed billboard ladders that are currently equipped with some type of fall protection system, employers must ensure employees are using those systems correctly when climbing, and are following appropriate procedures for inspection and

maintenance of those systems in accordance with Division 2/D Walking-Working Surfaces and Division 2/I Personal Protective Equipment.

3. When employees climb fixed billboard ladders that extend more than 24 feet above a lower level that are not equipped with a fall protection system, the employer must ensure that each employee:
 - a. Wear a body harness equipped with an appropriate 18-inch rest lanyard as a means to tie off to the fixed ladder.
 - b. Have both hands free of tools or material when ascending or descending a ladder.
 - c. Be protected by an appropriate fall protection system upon reaching the work area.
4. Employers must ensure that each employee who climbs fixed billboard ladders without fall protection is “qualified” through training and evaluation, and has demonstrated the physical capacity to perform the necessary climbs safely as required by 1910.29(h), Outdoor advertising, as follows:
 - a. Qualified climbers must be physically capable (by watching them climb or by physical examination) of performing duties that may be assigned to them.
 - b. Qualified climbers must have successfully completed a training or apprenticeship program that covered hands-on training for the safe climbing of ladders or step bolts and must be retrained as necessary to ensure the necessary skills are maintained.
 - c. Employers must ensure through performance observations and formal classroom or on-the-job training that the qualified climber has the skill to safely perform the climbing.
 - d. Qualified climbers must have climbing duties as one of their routine work activities.
5. An employee shall be considered a qualified climber if all of the following criteria are met:

- a. The qualified climber's physical condition must be such that climbing exercise will not impair health and safety. This ability can be determined by physical performance tests. A physical examination by a physician who is aware of the duties that the employee is expected to perform is acceptable. Successful completion of a training program for the type of structures that are to be climbed will also be considered as proof of the climber's physical capabilities.
 - b. The training program for qualified climbers must consist of classroom training and actual climbing training. The classroom training must consist of information on structural characteristics, the types and significance of using safety equipment, and the procedures for safe climbing. It must also include discussions of the risks involved with climbing structures and the activities to be performed on the structures, as well as discussions of emergency procedures, accident causes, and factors such as bad weather that tend to increase the risks involved in climbing.
 - c. Climbing training must consist of classroom instruction followed by the individual observing an experienced climber performing one or more climbs on the type of structure that the individual is being trained to climb. Actual climbing during training must be initiated under close supervision and with the use of redundant safety equipment.
 - d. The rate of reduction for supervision and the use of safety equipment will be a matter of subjective judgment by the trainer. Climbers must be permitted to work without fall protection only after the employee has demonstrated the necessary ability and skill in climbing structures.
6. After Nov. 1, 2019 all fixed billboard ladders must meet the requirements of 1910.28(b)(9).

EFFECTIVE

DATE: This directive is effective immediately and will remain in effect until canceled or superseded.

History: Issued 4-1-1993 Revised 10-21-1993, 3-27-2001, 3-31-2014 and 6-14-18