

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

---

**PROGRAM DIRECTIVE**

**Program Directive:** A-197

**Issued:** May 15, 1984

**Revised:** November 1, 2017

**SUBJECT:** Fall Protection: General Industry

**AFFECTED CODES/  
DIRECTIVES:**

[Division 2/D](#), 1910.28 Duty to have fall protection and falling object protection.

[Division 2/I](#), OAR 437-002-0134(5)(a) Motor and Rolling Stock Vehicles.

**PURPOSE:** To clarify the applicability of 1910.28(b) and OAR 437-002-0134(5)(a) where employees are exposed to fall hazards.

**BACKGROUND:** On May 16, 2017, Oregon OSHA adopted extensive changes to the walking-working surfaces and personal protective equipment rules for general industry. These changes become effective on Nov. 1, 2017, replacing the previous Walking-Working Surface regulations in Division 2/D and amending the previous Personal Protective Equipment regulations in Division 2/I for general industry.

Prior to these changes, several federal OSHA court cases showed a lack of consistency with the application of the previous **1910.23 Guarding Floor and Wall Openings and Holes** rules, especially when an elevated surface is a platform. Platforms were considered to be any elevated surface designed or used primarily as a walking or working surface, and any other elevated surface where employees walk or work on a predictable and regular basis. A predictable and regular basis meant at least one instance of exposure every two weeks, or a combined total of exposure of four hours or more of exposure during any sequential four-week period by one or more people. Such elevated surfaces when located 4 feet or more above a lower level required fall protection. However, elevated surfaces where employees walked or worked on a less predictable or an irregular basis required fall protection when employees were on unguarded surfaces more than 10 feet above a lower level. This 10 foot rule also applied to elevated work done on vehicles, mobile equipment (excluding personnel lifts covered under Division 2/F, Powered Platforms), and stacked materials.

**ACTION:** Effective Nov. 1, 2017, employers must protect employees from falling from walking-working surfaces in accordance with **1910.28(b) Protection from fall hazards**. A walking-working surface is defined by 1910.21(b) as:

“*Walking-working surface* means any horizontal or vertical surface on or through which an employee walks, works, or gains access to a work area or workplace location.”

Walking-working surfaces at angles between true horizontal and true vertical, such as sloped roofs, hemispherical storage tanks, stacked materials, etc. are also included when employee activities are covered by Division 2. Walking-working surfaces include man-made surfaces and those that occur naturally.

The duty to provide fall protection under 1910.28(b) applies to all surfaces covered by the scope (1910.21(a)) of Division 2/D, unless explicitly excluded within Division 2/D. 1910.28(b)(1) through (b)(15) establish fall protection trigger heights and acceptable fall protection methods for fifteen specific walking-working surface conditions. Fall protection requirements are generally triggered at 4 feet or more; however, protection from falls into or onto dangerous equipment is required at **any** fall height. Fixed ladders that extend more than 24 feet above a lower level require fall protection.

Though not explicitly stated in the scope of Division 2/D, the duty to provide fall protection for employees on motor vehicles (excluding personnel lifts covered under Division 2/F, Powered Platforms) and rolling stock surfaces is not addressed by the Walking-Working Surface regulations within Division 2/D. This was established in federal OSHA’s preamble on rolling stock and motor vehicle fall protection as published in the [Federal Register / Vol. 81, No. 223 / Friday, November 18, 2016](#), pages 82505-82509. Employee protection from fall hazards when working at elevation on motor vehicles and rolling stock surfaces is addressed in Oregon by the personal protective equipment requirements in Division 2/I, specifically **OAR 437-002-0134(5)(a) Motor and Rolling Stock Vehicles**. Requirements are triggered when employees are on motor and rolling stock vehicle surfaces more than 10 feet above a lower level or at any height above dangerous equipment.

With these changes, the concept of evaluating for “predictable and regular basis” is no longer applicable and has been discontinued. Regardless of the time an employee spends on the surface, or the number of visits they make to an elevated surface in general industry, the **1910.28 Duty to have fall protection and falling object protection** regulations will apply unless employee exposure is from a motor vehicle or rolling stock surface. In that case, **OAR 437-002-0134(5)(a)** will apply.

**EFFECTIVE  
DATE:**

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

**History:** Issued 5-15-1984 Revised 10-21-2002, 5-20-2008, 1-25-2012, 3-12-2013,3-21-2016, and 11-1-2017.