

Oregon OSHA
Fall Protection Stakeholder Meeting
Tuesday, October 6, 2015

Attendees:

Bret Taylor Chris Miller Clark Vermillion David Davidson Gary Beck Jeff Wilson Kevin Wheatcroft	Mary Lou Wilson Mike Riffe Pat Brunison Peggy Munsell Robert Miller Stephanie Ficek Tom Bozicevic
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The group approved the September meeting minutes.

Review Draft Rule:

Tom handed out the latest draft of the proposed fall protection rules (see below) for construction and a copy of the current rule to discuss the proposed changes.

Proposed 437-003-1501(1), General: Changes to lower the general 10-foot trigger height to 6 feet also includes an exception for current 10-foot trigger heights outside of Division 3/M unaffected by this rulemaking.

Proposed 437-003-1501(2), Holes: Changes to the language do not change the intent or requirements of the rule; rather for clarity.

Proposed 437-003-1501(3), Wall Openings: Changes to the language do not change the intent or requirements of the rule; rather restructuring the language for clarity.

Proposed 437-003-1501(4)(a) & (b), Excavations: Changes to the language do not change the intent or requirements of the rule; rather clarify there must be protection for workers who might approach the excavation, since current rule (a) language stipulates when employees are at the edge of a visually obstructed excavation.

Proposed 437-003-1501(5), Dangerous equipment: Changes to the language do not change the intent or requirements of the rule; rather refers readers to the proposed general rule for fall protection for 6 feet or more fall exposures into or onto dangerous equipment, and requires guardrail systems or equipment guards for falls of less than 6 feet.

Proposed 437-003-2501 (Protection from Falling Objects) was added in place of 1926.501 to consolidate requirements for falling objects with current requirements under 437-003-1501(c). Someone suggested removing “cover” from the language because we would be limiting ourselves with the advancement of technology. The group recommended to leave “covers” in, but also add “other effective measures.”

Timelines:

Public hearings – January 2016

Since this rulemaking will result in two effective dates (see below), we will need to file each proposed rule separately – one for fall protection and one for slide guards. Public hearings will be conducted concurrently; however, each will be discussed individually.

Fall protection effective date – January 1, 2017

Slide guard effective date – October 1, 2017

Fiscal Impact:

Oregon OSHA asked the group what the potential fiscal impact to business and the housing industry will be as a result of the proposed rule changes.

The group did not anticipate a significant fiscal impact for lowering the fall protection trigger height to 6 feet; however, they identified employers who construct single-level (ranch-style) home, who normally work on roofs with fall hazards below 10 feet, are likely to have the greatest fiscal impact.

Jim reported that members of the Associated Roofing Contractors of Oregon and SW Washington met and talked about the proposed fall protection rule. They didn't think the 6-foot trigger height would have much impact; however, they did have issues with prohibiting slide guards as a primary fall protection system. Sometimes slide guards are considered more practical than other fall protection systems. Can we use language that allows for slide guards under certain circumstances similar to the feds exception? Oregon OSHA will look into this.

“Exception: When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of paragraph (k) of 1926.502.”

When cited, the following note follows...

“Note: There is a presumption that it is feasible and will not create a greater hazard to implement at least one of the above-listed fall protection systems. Accordingly, the employer has the burden of establishing that it is appropriate to implement a fall protection plan which complies with 1926.502(k) for a particular workplace situation, in lieu of implementing any of those systems.”

Follow-up:

Federal OSHA does not recognize slide guards as a viable fall protection systems. Previous efforts by Oregon OSHA to convince them otherwise, have not changed their position on the issue. This is unlikely to change in the foreseeable future.

Jeff mentioned that you should also consider the cost of training employees on the new rules. David, from the Home Builders Association, shared that on average, it costs \$250 per employee to train them – that includes wages, lost productivity, and inspection of equipment. The increased cost would be that it may take longer to train to the 6-foot level.

Jeff requested that you submit fiscal impact data to either Jeffrey.R.Wilson@oregon.gov or Tom.Bozicevic@oregon.gov as soon as possible.

Outreach:

Jeff requested ideas for how to get the word out about the fall protection rules.

- Dave suggested adding Bend to the list of cities for public hearings.
- Dave mentioned that the Home Builders Association wants to add it to the list of required education for CCB licenses.
- A fact sheet from Oregon OSHA will also be developed and distributed.

Meeting adjourned: 12:25 p.m.

10-06-15 draft of proposed changes:

437-003-1501 Fall Protection.

(1) General. Except where permitted by another standard, when employees are exposed to a hazard of falling 6 feet or more to a lower level, the employer must ensure that fall protection systems are provided, installed, and implemented according to the criteria in 1926.502.

(2) Holes. Regardless of height, each employee on a walking/working surface must be protected from tripping in or stepping into or through holes (including skylights) by covers.

Note: Smoke domes or skylight fixtures are not considered covers for the purpose of this section unless they meet the strength requirements of 1926.502(i).

(3) Wall openings. Each employee working on, at, above, or near wall openings (including those with chutes attached) where the inside bottom edge of the wall opening is less than 39 inches above the walking/working surface and the outside bottom edge of the wall opening is 6 feet or more above lower levels, must be protected from falling by the use of guardrail systems, safety net systems, personal fall restraint systems, or personal fall arrest systems.

(4) Excavations.

(a) Employers must use guardrail systems, fences, or barricades to protect any employee who might approach the edge of an excavation, when the excavation is 6 feet or more in depth and is not readily seen because of plant growth or other visual barrier.

(b) Employers must use guardrail systems, fences, barricades, or covers to protect any employee who might approach the edge of a well, pit, shaft, or other similar excavation, when the excavation is 6 feet or more in depth.

(5) Dangerous Equipment. In addition to the fall protection requirements under 437-003-1501(1), each employee working less than 6 feet above dangerous equipment must be protected from falls into or onto dangerous equipment by guardrail systems or equipment guards.

437-003-2501 Protection From Falling Objects.

(1) General. Except as otherwise provided in paragraph (2) of this section, when employees are exposed to falling objects, the employer must have each employee wear a hard hat and must implement one of the following measures:

(a) Erect toeboards, screens, or guardrail systems to prevent objects from falling from higher levels; or,

(b) Erect a canopy structure and keep potential fall objects far enough from the edge of the higher level so that those objects would not go over the edge if they were accidentally displaced; or,

(c) Barricade the area to which objects could fall, prohibit employees from entering the barricaded area, and keep objects that may fall far enough away from the edge of a higher level so that those objects would not go over the edge if they were accidentally displaced.

(2) **Holes.** Employees working below walking/working surface holes (including skylights) must be protected from objects falling through by covers.