Safety Panel Urges OSHA Rescind Interim Fall Protection Procedures

By J.J. Smith, *June 2008*

A U.S. Department of Labor (DOL) construction safety advisory panel recommends that DOL rescind its interim fall protection procedures for residential construction employers because parts of the standards are not being implemented as intended.

On May 16, 2008, the Advisory Committee on Construction Safety and Health (ACCSH) voted 6-2 to recommend that the Occupational Health and Safety Administration (OSHA) rescind its instruction Standards Directive (STD) 3-0.1A -- the agency's "interim fall protection compliance guidelines for residential construction" -- because the alternative fall protection (AFP) standards for residential construction within that document are not being implemented as intended.

In effect since 1999, STD 3-0.1A is an interim regulation that seeks to amend OSHA's overall standards for construction fall protection -- the *Standards for Fall Protection in the Construction Industry* -- which were adopted in 1994. The interim STD 3-0.1A was developed because immediately after the overall standards were adopted, OSHA says, it received "numerous communications requesting interpretations and claiming that compliance with the rule is sometimes infeasible in certain activities, such as in residential and post-frame construction, while climbing reinforced steel, erecting precast concrete, drilling shafts and when providing prompt rescue."

In December 1995, OSHA issued the first set of interim fall protection procedures for residential construction employers -- OSHA Instruction STD 3.1 -- which differed from the overall standards. STD 3.1 permitted "employers to use specified work practices instead of conventional fall protection systems and devices that physically prevent a worker from falling, or arrest a worker's fall, for foundation work, some installation work on roofs and in attics, and some residential roofing work," OSHA says. On June 18, 1999, OSHA replaced STD 3.1 with an updated version of the interim fall protection procedures for residential construction -- STD 3-0.1A -- the version that is now in use.

Under STD 3-0.1A, employers are allowed to use either AFP or conventional fall protection (CFP) programs. CFP programs are made up of three types of protective systems, including guardrail systems; safety net systems; and personal fall arrest systems, which use full body harnesses. However, when an employer can demonstrate that CFP programs are "infeasible or creates a greater hazard" at the work site, they can implement a "site specific" AFP program -- such as a "controlled access zone" or a "safety monitoring system" -- to meet OSHA fall protection requirements.

But some contractors "are not using the interim standard [STD 3-0.1A] as it was intended to be used, which is to have some type of protection for workers where conventional fall protection might not work," said Michael Thibodeaux, co-chairman of the ACCSH residential fall protection work group and National Association of Home Builders consultant. "People have become confused about this interim standard [STD 3-0.1A], and they have become more complacent about using it," he said. Rather than using STD 3-0.1A to protect workers, AFP takes less time and is not as expensive as CFP, making it an "easier way" to be fall-protection compliant, he added.

However, Tom Shanahan, ACCSH panel member and associate executive director of the National Roofing Contractors Association (NRCA), tells *SHRM Online* the section of STD 3-0.1A that allows roofing contractors to use AFP programs should remain because unlike the large home builders that can afford CFP programs, residential roofing businesses are usually "very small businesses" that cannot afford CFP programs. AFP programs allow residential roofing companies to provide employees with fall protection while alleviating the burden imposed on small contractors to create site specific fall protection plans that are required by the overall construction industry fall protection standards, he said. "The current standard [STD 3-0.1A] bridges the gap," he added. "Is it perfect, no, not at all, but that's why we'd [NRCA] like to continue working on it to develop better solutions," he added.

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