



On December 16th, 2010, OSHA released a new compliance directive for fall protection during Residential Construction activities. This change may have gone widely unnoticed in the construction industry, but the impact that it will have on residential contractors will have dramatic effects, changing the options for protective systems that have been widely used and permitted since 1999.

The most significant changes include: the canceling of the alternative measures of fall protection that were once allowed; the requiring of written site specific fall protection plans; and clarification of the definition of **Residential Construction**. For contractors engaged in residential construction work, as described below, the requirements to provide fall protection will change, effective June 16th, 2011.

Residential Construction was once defined "...where the working environment, materials, methods and procedures are essentially the same as those used in building a typical single-family home or townhouse"¹. This type of construction was characterized by the materials (i.e. wood framing, floor joists and roof structures) and methods of construction, such as traditional wood frame construction techniques. OSHA expanded this definition to include the "...construction of a discrete part of a large commercial building (not the entire building), such as a wood frame, shingled entranceway to a mall."ⁱⁱ

In addition to these traditional methods and materials, the new standard directive now includes a residency requirement for the worksite to fall within the scope of the Residential Construction definition. This includes homes, townhouses or the like, and may also encompass hotels, motels or nursing homes, if being constructed using traditional wood frame construction materials and methods. Also included will be homes and townhouses of wood frame construction, using masonry brick or block in the construction of exterior walls. OSHA stated that the inclusion of this "residency requirement" was essential in defining the original intent of "Residential Construction" under 1926.501(b)(13).

When utilizing and determining fall protection and prevention methods, residential contractors must now meet the requirements of 29 CFR Subpart M. This subpart sets forth the specification requirements for various fall protection systems including guardrail systems, personal fall arrest systems and fall protection plans. This new directive rescinds OSHA's previous directive which allowed the uses of slide guards for roofers, spray painted warning lines during the erection of exterior walls and the implementation of fall protection plans that were not site specific. Since 1999, contractors engaged in roofing, erecting exterior walls, the laying of floor or roof sheathing, setting trusses, installing floor joists, working on foundation walls, and installing mechanical and electrical systems on roofs or in attics, were allowed to use these more flexible systems.



The main reason behind these changes is the equipment that is now available to assist employers in providing fall protection systems during wood frame construction. These include roof peak anchors, reusable supports for guardrail and stair rail uprights and the growing use of aerial lifts during construction processes. The equipment that is available, combined with the continuing high numbers of fall-related fatalities in Residential Construction, prompted OSHA to revisit their enforcement policy in determining infeasibility of the use of fall protection systems during this work.

If employers decide that conventional fall protection systems are infeasible, they can continue the practice of using a fall protection plan that outlines what fall protection and prevention methods will be used. In addition to being at the jobsite in writing, the plans are now required to be site specific, changing the practice of using generic plans that did not address specific worksite hazards.

The scheduled enforcement date for this directive is June 16, 2011. In the meantime, contractors engaged in Residential Construction, as defined above and in OSHA Directive Number STD 03-11-002, should educate themselves on the different fall protection systems that are now available for their industry. Most of these cost effective systems are reusable; so in addition to the repeated prevention of injuries that result from falls, companies can also ensure continued compliance with OSHA standards.

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ⁱ OSHA STD 3-0.1A Plain Language Revision of OSHA Instruction STD 3.1, interim Fall Protection Compliance Guidelines for Residential Construction, 1999.

