

Standard/Regulation Information

OSHA Compliance Guidance For Residential Construction

On Dec. 16, 2010, OSHA published a new compliance instruction for residential construction work. With an average of 40 workers per year being killed as a result of falling from a residential roof, action was taken to provide a safer workplace for construction workers. The new instruction cancels the original interim instruction issued in 1995 and 1999. The new requirements take effect on June 16, 2011 and will require employers to follow the original fall protection guidelines from 1995, known as subpart M (Reference OSHA 1926.500 - .503).

New Compliance Instruction

As stated in OSHA 1926.501, employees performing residential construction work who can fall 6 feet or more shall be protected by one or more forms of fall protection.

Workers on low sloped roofs (defined as having less than or equal to a 4:12 pitch) are no longer allowed to use slide guards as the only form of fall protection. Acceptable fall protection for low sloped roofs includes guardrails, nets or personal fall arrest systems. Other combinations of protection are also acceptable (example: warning line and guardrail, warning line and personal fall arrest system).

In some cases, a safety monitor is an acceptable form of fall protection according to OSHA. Work on steep sloped roofs must be protected by guardrails with toe boards, safety nets or personal fall arrest systems. Slide guards are not acceptable.

If such fall protection is infeasible or creates a greater hazard, a fall protection plan can be used. The plan must be written by a qualified person, be site specific, up to date and document why the use of conventional fall protection is infeasible or creates a greater hazard.

OSHA 1926.501(b) (13) : *"Residential construction." Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure. 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.*

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.

Major points of new OSHA compliance instruction:

Fall protection is needed anytime a fall of 6 feet or more is possible. Roof work is included.

No longer does a 25 feet eave-to-ground height threshold apply.

Slide guards are no longer acceptable forms of fall protection, regardless of the roof pitch or height of roof eave.

Written site specific fall protection plans can be used as a form of fall protection if conventional fall protection is shown to be infeasible or if it presents a greater hazard.

Interim OSHA instruction STD 03-00-001, which provided some flexibility for fall protection, is cancelled.

Effective date for new guidance instruction is June 16, 2011

Who is affected by the new Compliance Guidance?

The new standard will apply to employees engaged in residential construction work. This is defined as a home or dwelling being built with traditional wood frame construction materials and methods. The limited use of structural steel in a predominantly wood framed home would still qualify as residential construction. Use of sheet metal studs or the use of masonry brick in exterior walls would also fall under residential construction.

Note: residential construction work on scaffolds, ladders and aerial lifts is covered by other OSHA standards. Nursing homes, hotels and similar facilities are not considered as residential construction.

Old Compliance Instruction

The old compliance instruction was issued in 1995 (and a plain language version in 1999) in order to provide some interim flexibility to the residential construction market for certain activities. Basically the old instruction permitted employers engaged in certain residential construction activities to use specified alternative procedures instead of conventional fall protection. These alternative procedures could be used without showing why conventional fall protection was not feasible or why it presented a greater hazard if used.

For example, the old instruction meant employers performing roofing work did not have to use active fall protection systems such as harness/ lanyard/ lifeline or self retracting devices, guardrails or nets in many situations; instead they had the option of using slide guards (typically a board placed on edge at the eave of the roof) or other alternative measures. The alternative forms of fall protection could typically be used when the pitch of the roof was 8:12 or less and the ground to eave height was 25 feet or less.

Summary

Residential construction employees conducting work 6 feet or more above a lower level shall be protected from falling. Depending on the particular activity, acceptable forms of fall protection include guardrails, safety nets, active fall arrest systems (fall restraint is also acceptable), controlled access zones, covers, positioning systems and warning line systems.

The new guidance goes into effect on June 16, 2011. Any employer who is not providing acceptable forms of fall protection for the affected workers will be cited, unless they can demonstrate why conventional fall protection was not feasible or why it presented a greater hazard if it was used.