

June 2009 Fall Protection Draft Comments

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| General | Richard Kelm | I am anxious to be able to comment on the proposed new fall protection standard. Can you tell me the justification for the new standard and what impact analysis has been done in support of the proposed rule change? What types of injuries do we believe the rule change will help us to prevent? | <p>The current standard for construction can be found in several parts of WAC 155, Part C-1 (fall restraint and fall arrest), Part K (floor, wall openings), as well as Part O (Concrete, concrete forms). The department believes that combining these parts that refer to fall protection would help the end user i.e. our DOSH staff or outside customers in knowing what the requirements are for fall protection. Help provide clearer and understandable requirements for fall protection in construction.</p> <p>We are in the process of an economic analysis which is currently being drafted. When the draft is completed, then the survey will be sent out statewide through, phone calls or mailings. The results will be gathered, then distributed to interested parties.</p> |
| General | Jason Ding | <p>Although many changes within the rule I find more than acceptable (re-defining the catch platform, safety watch system, warning line height requirements), several changes I find concerning.</p> <p>To begin, there has been a lack of clarity in terms of parapet wall depth as compared to parapet wall height. This is not a new problem. In Oregon, it is clearly defined that a parapet</p> | Under Washington's legislative mandate to have and operate a state plan state, we must be at least as effective as OSHA. In many cases, our standards are more stringent, and fall protection indeed, is one of those areas that is more stringent than OSHA. |

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| | | <p>wall must reach 42” in height to be considered acceptable fall protection. If a walls height is under that requirement but reaches a certain depth, Oregon defines this circumstance clearly while Washington does not. In Oregon, as long as a walls depth and height, when added together, reach 48” and the wall has a minimum height of 30”, the wall may be considered acceptable fall protection. I am astounded that the Department has not addressed this issue previously as parapet walls of varying sizes are extremely common on low slope roof surfaces. This is the third time I have commented about this issue during the development of the new fall protection standard, but I have yet to see any response to satisfy my curiosity as to why the Department has not addressed this commonly encountered issue.</p> | <p>Washington recognizes parapet walls as a method of fall protection if they are at least 39 inches in vertical height. If they fall below this minimum height requirement, then another form of fall protection must be implemented. At this time, Washington is not codifying depth of a parapet because it is on an existing building and not necessarily something that is under construction---however, the depth of the wall in relation to its height may be something the department would consider in a variance request that describes this situation as an alternative method of fall protection that would at least as effective as the standard.</p> |
| WAC 296-155-24503 (50) | Len Cornwell | Missing the leading “(“ | This will be corrected. |
| WAC 296-155-24503 (54) | Len Cornwell | Delete “all.” All sides do not necessarily need toe boards. (Low side on a sloped surface, for instance.) | <p>Several references to toe boards and it’s redundancy. We have taken this under advisement and we agree that in several cases it is redundant to mention toe boards, yet other sections, it would be an additional requirement to the standard guardrail, therefore it would not be redundant. Addressing the redundancy, we believe that mentioning this only draws attention and the careful</p> |

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| | | | need to consider when installing a standard guardrail system. |
| WAC 296-155-24503 (55) | Michael Burt | Definition (55) page 4 Unprotected sides and edges at least 39' high. 24509(2) says 48". Not clear to me what the difference is or why we have two different trigger heights. | <p>These are two different subjects. 24503(55) is defining unprotected sides and edges – which is one that does not have a guardrail or parapet wall that is at least 39" in height.</p> <ul style="list-style-type: none"> ■ 39" is not a trigger height--- it is specific criteria for the minimum height of a guardrail system. ■ The 48" under 24509 is a fall protection trigger height. |
| WAC 296-155-24503 (56) | Michael Burt | Definition (56) says WW surfaces are 45" wide. Why 45"? 23501(1) says ALL surfaces, so why do we define walking working surfaces differently? Also, why do we need to cite a different code when the surface they are working from is less than 45"? | <p>24505(1) – is specific to ensuring the structural strength and capability of supporting employees on all surfaces whether it is a w/w surface, beam, or ramp.</p> <p>Both of these are current requirements that are consistent with OSHA. Surface distinction is not something that will be changing.</p> |
| WAC 296-155-24503 (58) | Len Cornwell | Add: and beyond which they are not to pass | Workers may go beyond the warning as long as they have implement fall protection when going beyond the warning line. |
| WAC 296-155-24505 (2)(a) and (b) | Len Cornwell | Add: and clearly marked as unsafe for use | Marking equipment that is unsafe is a great practice, but we believe that it would be up to the |

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| | | | employer to decide how to address equipment that is unsafe and it removal. |
| WAC 296-155-24507 (2) | Charles Merz | <p>There is a need for some clarification here. I've recently had a number of hearings involving this issue, i.e., form stakes. The violations were vacated as there was no specific code for this condition, an inherent hazard, common and predictable at construction sites during the course of construction. Industry practice, e.g. Howard S Wright, caps their form stakes until the concrete pour. They remove the caps before the pour, and then pull the stakes up after the pour and leave the forms in place. Protective caps are removed because some invariably are knocked off during the concrete pour and the mud is hot. It sets up quickly and the time frame is short to brush, edge and panel the pour, i.e., the sidewalk, the curb, etc. The employer doesn't want the caps being knocked off into the concrete to be fished out during the pour or the finishing operations. Is this practice acceptable to the Department? What is feasible and reasonable protection "in so far as may reasonably be possible?"</p> <p>What is and what constitutes an impalement hazard? Does a 5'10" person in height weighing 250 lbs. falling on the same level on 1"x1" wooden stake constitute an impalement hazard? There needs to be some definition. Is a 1"x½" wood stake an impalement hazard? ¾" diameter steel rod? Is it still an impalement hazard once the stake is staked and you walk away from it? Is the Department going to have a six foot rule or understanding with the industry or does it just need to be capped 100% of the time?</p> <p>What is reasonable protection? How do we guard a wood</p> | DOSH appreciates the time and energy necessary to provide these comments. Thank you for participating in this process. |

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| | | <p>stake? Steel Rod? Are we requiring caps? What size, dimensions of cap, are adequate to safely cap an impalement hazard? Keeping the top of the stake flush with the top of the form or the top of the curb bracket – Is this adequate? Generally at construction sites, there is likely to be rock gravel in the soil. It may not be feasible to drive the stakes flush – so capping will still be a necessity at times. Or, is a ribbon mark off barrier prohibiting entry into the area of uncapped stakes satisfactory until the pour? Would this be acceptable protection to the Department? CSHOs will certainly need some training.</p> <p>I see a need for the Department to work with industry on this particular subsection in the code, and I expect that some concerns may be expressed regarding the enforcement of this subsection and these comments are offered in consideration of this.</p> | |
| WAC 296-155-24509 (1) and (9) | Ernest Stahn | <p>After discussion at the stakeholders meeting and communications with Division of Occupational Safety and Health’s (DOSH), Washington State Department of Transportation (WSDOT) would like to make the following recommendation to the proposed WAC 296-155 C-1 rule.</p> <p>WAC 296-155-24509 (9) Hazardous slopes:</p> <p>(9) Hazardous slopes. Employees exposed to falls of 4 feet or more while working on a hazardous slope shall use personal fall arrest systems or positioning device systems.</p> <p>Because the rule has been interpreted by DOSH as being specific to the secondary hazard of a vertical fall adjacent to the slope rather than the slope itself, the rule is unnecessary</p> | The Department appreciates the time taken to provide this comment and recognizes the concerns and opinions presented. The Department will consider this comment when analyzing the draft language. |

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| | | <p>duplication and should be removed. WAC 296-155-24509 (1) addresses the specific exposure to fall hazards of four feet or more.</p> <p>(1) The employer shall ensure that the appropriate fall protection system is provided, installed, and implemented according to the requirements in chapter 296-155 WAC, Part C-1 when employees are exposed to fall hazards of 4 feet or more to the ground or lower level when on a walking/working surface.</p> | |
| WAC 296-155-24509(3) | Michael Burt | <p>24509(3) refers to ramps, runways and inclined walkways. But there is no definition of these in the definition section. I know from experience that we get into big discussions as to what the code means when it refers to these, even though it seems straight forward. My argument would be that if it is so simple to define them, why not go ahead and do it? Remove the doubt – and the arguments.</p> | <p>Runway is defined – see 24503(41).</p> <p>I agree with you, it is straight forward ---24509(3) is specific to guarding ramps, runways and inclined walkways whenever there is a fall hazard of 4 feet or more. They must also meet the specific criteria in 24519.</p> <p>It is a means of access/egress as specified in Part K where there is a break in elevation of 19 inches or more.</p> |
| WAC 296-155-24509(7)(b) | Patrick Cruver | <p>It says, “Employers shall ensure that employees exposed to fall hazards of 4 feet or more while engaged in work, other than roofing work or leading edge work, on low pitched roofs use one of the following:</p> <ul style="list-style-type: none"> (i) Fall restraint system; (ii) Fall arrest system; | <p>Low-pitched roofs – like OSHA, DOSH does not recognize a “safe distance” ...in that, we do not recognize distance alone as a method of fall protection. Even when roofers use a warning line (6 feet in from the unprotected edge), to set up a work area; which</p> |

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| | | <p>(iii) Positioning device system;</p> <p>(iv) Safety monitor and warning line system; or</p> <p>(v) Safety watch system</p> <p>We understand that the fall protection rules in Chapter 155 apply to maintenance work. I assume that flat roofs are included in this category. WSU has many buildings with flat roofs, and much maintenance work is done on these flat roofs, such as servicing of HVAC equipment or installation and adjustment of different types of antennae. Some of these roofs are huge, exceeding 100 feet in width. Nothing is included in the proposed (or existing) standard indicating what is a “safe” distance from the edges of such a roof. Case in point: Recently a compliance officer told us that no location on a flat roof is considered to be “safe.” Also, in Section 296-155-24511, Fall Protection Required at 10 Feet or More, it says in a note following subsection (b) “Employees not directly involved with constructing the leading edge, or are not performing roofing work must comply with WAC 296-155-24509, Fall Protection Required at 4 Feet.” So, I assume both sections would apply to work we do on low-pitch roofs that is not roofing or leading edge. Since a lot of our ventilation equipment and antennae are located within 6 feet of roof edges, to comply WSU would need to construct many feet of guardrail or install myriad anchors for fall restraint/arrest or positioning systems, with a cost that would well exceed multiple hundreds of thousands of dollars. Installation of safety nets or catch platforms along all such locations would clearly be infeasible. So, what we are left with is either the safety monitor and warning line system, or the safety watch</p> | <p>is that area inside the warning line, as soon as they go outside of the warning line where they are walking or working between the forward edge of the warning line and the unprotected sides/edges of the roof they must implement another method of fall protection.</p> <p>From what you are describing, it sounds like HVAC work is being done ---which would falls under 24509, Fall Protection Required at 4 feet <u>or more</u>. As stated above, if the fall exposure is 10 feet or more, a FPWP must be developed. This is not a change from the current requirements. In the current standard, this type of work would fall under Part K, chapter 296-155 WAC; which is also fall protection required at 4 feet with respect to open sided surfaces.</p> <p>The fall protection options/methods for persons working on roofs is also not a change in requirements. The department actually relaxed the requirements by incorporating a safety watch system. The Safety Watch System requirements were developed because of a need for</p> |

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| | | <p>system. If we were to attempt the former, there are many places on our roofs where it would be impossible to comply because the distance between rooftop penthouses where much of our ventilation machinery resides and roof edges is less than 15 feet, and in subsection (4)(b)(iii) of 296-155-24515, Fall Restraint Specifications, it says, "Warning lines erected on low-pitched open sided surfaces for work activities other than roofing work or leading edge work, shall be erected not less than 15 feet from the unprotected sides or edges of the open sided surface." I guess I don't understand why the distance is 6 feet for roofing and 15 feet for work activities other than roofing. Even if we had adequate space between the structures on the roofs (> 15 ft.) and the roof edges, it would take longer for us to send someone up ahead of the maintenance personnel to erect warning lines to restrain them than the work that the maintenance personnel were going to do in the first place. If WSU is forced to install engineered horizontal lines or other permanent anchors for fall restraint/arrest in all of these locations the cost will be prohibitive.</p> <p>If we were to use the safety watch system, it would mean that we would have to pay an extra worker to accompany the maintenance person (who usually works alone anyway) solely to watch him/her to remind them to stay away from the edge of the roof.</p> <p>I suggest the Department at least consider revising the 15 foot from the roof edge warning line rule for work activities other than roofing and leading edge work and set it at 6 feet. WSU (and probably a lot of other property owners) has too many roof and elevated platform configurations where compliance will be very difficult. WSU has been installing permanent fall arrest anchors (>5000 lb.) on its roofs for</p> | <p>persons servicing equipment such as HVAC in which it was too time consuming and costly to erect a warning line or install a permanent, conventional fall protection system for essentially short duration work.</p> <p>Warning line systems: The erection of a warning line system has always been specific to roofing work and for those constructing a leading edge. In leading edge work, the warning line is used to separate the workers who are actively engaged in constructing the leading edge from persons who are not; essentially the warning line in leading edge work establishes a control zone and persons engaged in leading edge work must use another method of fall protection while working between the forward edge of the warning line and the leading edge.</p> <p>Several years ago, a Washington Regional Directive was developed to address warning line use in construction for work activities other than roofing and leading edge work. I have attached that for you review. During the rule</p> |

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| | | <p>more than a decade, using 6 feet as the trigger distance. If equipment on a roof that is 6 feet or closer to the edge of a roof must be accessed for maintenance, it is put on an ongoing list for installation of permanent fall arrest-rated anchors or a guardrail. We think this will protect the worker and is feasible.</p> | <p>rewrite, this WRD was incorporated into the standard.</p> |
| <p>WAC 296-155-24509(8)(b) WAC 296-155-24511(1)(b)</p> | <p>Ray Pierce Diamond B Construction</p> | <p>I have a question regarding leading edge work vs. “Diminishing Edge” work. The roof monitor and controlled access zone may be used for leading edge work. There are times when a roof or walking working surface is being removed and the edge or walking working surface is diminishing. It seems that some language should be included in the fall protection rules to address this type of work.</p> | <p>The current fall protection standard and the new draft would not allow the monitor to be used in the removal of sheeting/decking, i.e. diminishing edge. We would only allow the monitor in leading edge (progressing) or roofing work. If you were removing the roofing, sheet metal, insulation etc. we would allow the monitor for this task.</p> |
| <p>WAC 296-155-24509(9)</p> | <p>Jim Fry, CWCP, CPL, RWCS Safety Officer, WDFW</p> | <p>As one of the Safety Officers at WDFW, I have a question or two about the Hazardous Slope portion. As you can guess our employees (biologists mostly) spend a lot a time outdoors on hillsides doing their work. So if they are going across a mountain side with, lets say shale, they would have to tie off on something? We also put up fences (to keep the elk off of the farm lands). Would this apply to that? Wish there was a degree or slope description that went with this. Is the four foot requirement a vertical drop or greater than 45 degrees? If We are fifty feet up a hillside away from a cliff, but on a gentle incline would we have to have fall protection? If it is a barren hillside I don’t know what we might tie off to?</p> | <p>In reviewing your comment/questions, it appears that the work fish and wildlife does would not meet the Scope of the construction standards, but instead would fall under the general industry requirements which are found in Chapter 296-800 Core Rules.</p> |
| <p>WAC 296-155-24509</p> | <p>Jason Ding</p> | <p>Next, I must voice my concern at the sudden development of a 4’ fall protection standard. This 4’ fall protection standard goes well beyond the requirements of similar jurisdictions</p> | <p>The 4 foot rule is not new. These requirements are found in the construction standard under Part</p> |

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| | | <p>such as Federal OSHA, Oregon OSHA and California OSHA. As the safety officer of a roofing company, I understand the importance of protecting employees from falls at height, which are one of the leading causes of both serious injuries and fatalities in the construction industry. I also understand that in order to increase state regulation requirements for safety, there must be well supported, empirical evidence that the change will improve safety and reduce injuries.</p> <p>In regards to changing the requirements for fall protection from a 10' fall protection rule to a 4' fall protection rule, I believe I am well within my right to request evidence of how and why injuries and fatalities would be significantly reduced by making such a change to the fall protection standard. Where can such evidence be found? What studies have been conducted to show that a 4' requirement is superior to a 10' requirement? If a 4' fall protection standard is better than a 10' fall protection standard, why have similar agencies such as Federal OSHA, Oregon OSHA or California OSHA not adopted or proposed adopting such a standard?</p> <p>I must also ask if the Department has considered the unintended consequences of changing such a rule. What will the response be from business owners? Has the Department considered the economic impact of more strict fall protection requirements on the bottom line of local small businesses already struggling to make ends meet? What about homeowners who will see prices rise on the cost to put a new roof on their home? I sincerely hope the department has considered rising business costs and the pass-down effect of these costs being transferred to the customer, especially given our trying economic times.</p> | <p>K, Chapter 296-155 WAC. A part of why this rule was rewritten was to merge and streamline the fall protection standards into one section; therefore, Part K was merged into Part C-1 in the new draft.</p> <p>There are only 6 or 7 changes that produced increased requirements and an economic impact analysis is in progress. The attachment above depicts the increases in requirements. The department has worked in partnership through the stakeholdering process with both commercial and residential construction business and labor. And some of the issues that were raised in those meetings are also reasons the rule was rewritten --- because people do not understand and therefore do not apply the current standards correctly; and this includes our own staff.</p> |

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| | | <p>In closing, I do not intend for my comments to be mistaken as rude, disrespectful or condescending. I firmly believe there is a reason why the Department wishes to create a stricter fall protection standard. If this reason is to increase workplace safety and there is ample evidence supporting the facts that it would do so, then the Department has a valid argument why the fall protection standard should be changed from 10' to 4'. All that I ask is for is a reasonable reply to my concerns.</p> | |
| WAC 296-155-24509 (4) | Len Cornwell | <p><i>(regarding the phrase "...with standard toe board along all open sides...")</i> DELETE: This is redundant as "standard guardrail system," by definition includes the toe board <u>when appropriate</u>. All sides do not necessarily need toe boards, as on the lower side of an opening on a sloped surface.</p> <p><i>(July 2, 2009)</i> On page 5, (4) Warning line system specifications . . . comes under WAC 296-155-24515, Fall Restraint Specifications. Thus, it is in fact itself "fall protection". But if a worker goes beyond the warning line, it is no longer functional as a fall protection (restraint) system.</p> <p>The definition of a warning line system on page 5 [WAC 296-155-24503(58)] says that its purpose is to "warn employees that they are approaching an unprotected fall hazard(s)."</p> <p>The definition of a fall restraint system [WAC 296-155-24503(13)] says that it is "a system in which all necessary components function together to <u>restrain/prevent</u> an employee from falling to a lower level." Without a specific injunction to not go beyond the line, the warning line system does not contain the restraint/prevention element that is required to qualify it as a fall restraint system.</p> | <p>Several references to toe boards and it's redundancy. We have taken this under advisement and we agree that in several cases it is redundant to mention toe boards, yet other sections, it would be an additional requirement to the standard guardrail, therefore it would not be redundant. Addressing the redundancy, we believe that mentioning this only draws attention and the careful need to consider when installing a standard guardrail system.</p> |

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| | | <p>The following clause added to WAC 296-155-24503(58) Warning line system . . . would provide the missing restraint/protection element to the warning line system definition: "Employees may not advance beyond the warning line unless fall arrest systems as described in WAC 296-155-24513 or fall restraint systems as described in WAC 296-155-24515(1) and (2) are used."</p> | |
| WAC 296-155-24509 (5)(a)(i) | Len Cornwell | <p><i>(Last sentence)</i> DELETE: This is redundant as "standard guardrail system," by definition includes the toe board <u>when appropriate</u>.</p> <p><i>(July 2, 2009)</i> Agreed, that drawing attention to toe boards is valuable. The concern is that on page 7, WAC 296-155-24509(4) and (5)(c)(ii) will require toe boards in all cases, even when there is nothing below that would require them. This could be resolved by using the wording provided in 24509(5)(a)(i)</p> | <p>Several references to toe boards and its redundancy. We have taken this under advisement and we agree that in several cases it is redundant to mention toe boards, yet other sections, it would be an additional requirement to the standard guardrail, and therefore it would not be redundant. Addressing the redundancy, we believe that mentioning this only draws attention and the careful need to consider when installing a standard guardrail system.</p> |
| WAC 296-155-24509 (5)(b) | Len Cornwell | <p><i>(regarding phrase "...with standard toe boards on all exposed sides...")</i> DELETE: This is redundant as "standard guardrail system," by definition includes the toe board <u>when appropriate</u>.</p> | <p>Several references to toe boards and its redundancy. We have taken this under advisement and we agree that in several cases it is redundant to mention toe boards, yet other sections, it would be an additional requirement to the standard guardrail, and therefore it would not be redundant. Addressing the redundancy, we believe that mentioning this only draws attention and the careful</p> |

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| | | | need to consider when installing a standard guardrail system. |
| WAC 296-155-24509 (5)(c)(ii) | Len Cornwell | <i>(regarding phrases "...with toe board..." and "...with toe boards...")</i> DELETE: This is redundant as "standard guardrail system," by definition includes the toe board <u>when appropriate</u> . | Several references to toe boards and its redundancy. We have taken this under advisement and we agree that in several cases it is redundant to mention toe boards, yet other sections, it would be an additional requirement to the standard guardrail, and therefore it would not be redundant. Addressing the redundancy, we believe that mentioning this only draws attention and the careful need to consider when installing a standard guardrail system. |
| WAC 296-155-24509 (6)(c) | Len Cornwell | This reference does not exist. | Correcting the reference. |
| WAC 296-155-24511 (a) and (b) | Patrick Cruver | "Employees not directly involved constructing the leading edge, or are not performing roofing work must comply with WAC 296-155-24509, Fall Protection Required at 4 Feet." Later on in this section, in subsection (2) Fall Protection Work Plan, it states that "The employer shall develop and implement a written fall protection work plan including each area of the work place where employees are assigned and where fall hazards of 10 feet or more exist." So, please clarify. If employees are not performing leading edge work, nor roofing, and they are working at 10 feet or more, since they must comply with the 4 Feet or more section where it doesn't mention a fall protection work plan, are they exempted from completing a fall protection work plan? | Fall Protection Work Plan (FPWP) – this requirement has not changed. It is in our current standard (WAC 296-155-24505), and an employer must develop a FPWP covering the minimal elements as specified in the standard whenever employees will be exposed to fall hazards of 10 feet or more to the ground or lower level. |
| WAC 296-155-24511(1)(b) | Michael Burt | 24511(1)(b) seems to exclude low pitched surfaces, meaning there is a code somewhere else that covers them. Why not | Because 24511 is fall protection required at 10 feet, and fall |

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| | | include low pitched surfaces in this same code to make it easier – why have a separate code depending on the pitch of the surface? | protection for high pitched surfaces starts at 4 feet and is covered in 24509(8)(a) and (9). |
| WAC 296-155-24511 (1)(d)(ii) | Len Cornwell | <p><i>(regarding the fifth bullet in the note)</i> This leaves out inspectors for water and sewer districts – perhaps should just say “government agency” inspectors</p> <p><i>(July 2, 2009)</i> There are about 175 water and sewer districts in Washington state and they serve citizens in all areas of the state, urban and rural. These districts engage in capital improvement projects that install main line piping. The excavations for these pipes are both in public rights-of-ways and in district held easements. The districts have their own construction inspectors that inspect the work for conformance to the district's construction specifications, and when the pipe is in a public right-of-way, to assure that their contractor is conforming to the public jurisdiction's standards. Water and sewer districts are municipal corporations and their inspectors are doing the same essential functions that inspectors working for the state or a county or city are doing. They should be included in the listed exemptions.</p> | We feel that the exception list stated in the rule is acceptable and will not make any changes. |
| WAC 296-155-24513 (1)(b) | Len Cornwell | ADD: ...service and <u>clearly marked unsafe for use. They shall...</u> | Marking equipment that is unsafe is a great practice, but believe that it would be up to the employer to decide how to address equipment that is unsafe and its removal. |
| WAC 296-155-24513 (1)(d)(i) | Len Cornwell | The second clause could be a stand alone statement. As written, it implies that a free fall of 6 feet or less and not contacting any lower level are equivalent. | We are reviewing the language for possible change in clarity. |
| WAC 296-155-24515 (3)(c)(i) | Len Cornwell | The standard reference for traffic rating of covers is AASHTO H-20. Specifying something other than an industry standard places the liability on L&I. | We are consistent with OSHA’s guarding of floor or hole covers, it is our current requirement. |

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| | | <p><i>(July 2, 2009)</i> Yes, with respect to 29 CFR 1926.502(i)(1). However, 29 CFR 1910.23(e)(7)(i) has it as follows:</p> <p>“Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a <u>truck rear-axle load of at least 20,000 pounds.</u>”</p> <p>and 29 CFR 1910.23(e)(7)(ii) has it as:</p> <p>“Manhole covers and their supports, when located in plant roadways, <u>shall comply with local standard highway requirements if any</u>; otherwise, they shall be designed to carry a <u>truck rear-axle load of at least 20,000 pounds.</u>”</p> <p>The proposed wording may give us a warm feeling, but would be essentially non-enforceable as I could successfully assert that I only intended it to handle a golf cart load - not my fault that a pickup truck drove over it.</p> <p>I believe that the 1910.23(e)(7)(ii) wording is the least vague and provides actual protection.</p> | |
| WAC 296-155-24515 (4) | Len Cornwell | <p>Nothing in this section says that employees are not to go beyond the warning line. Should be obvious, but...</p> <p>Definition of a Warning Line System doesn't state this either.</p> | Workers may go beyond the warning as long as they have implemented fall protection when going beyond the warning line. |
| WAC 296-155-24515 (4)(a)(i) | Len Cornwell | Employees may not advance beyond the warning line system unless fall arrest systems as described in WAC 296-155-24513 or fall restraint systems as described in WAC 296-155-2451 (1) and (2) are used. | Workers may go beyond the warning as long as they have implemented fall protection when going beyond the warning line. |
| WAC 296-155-24515 (4)(a)(iii) | Len Cornwell | <p><i>(regarding phrase beginning with "...shall be erected...")</i> Suggest moving this to a (iii)(A) entry to match the format of</p> | Formatting, we are taking under advisement. |

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| WAC 296-155-24515 (4)(b) | Vaughn Pugh | <p>(i) and (ii).</p> <p>I was re-reading the new standard and noticed in the section for warning lines that you are proposing to raise the height of the rope:</p> <p>(ii) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 39 inches from the surface and its highest point is no more than 45 inches from the surface.</p> <p>I did a little research into what type of delineators could be used if the rope were required to be raised and I could not find any delineators which would suffice. All of the delineators I found are 42" tall and the attachment point would be at about 39" which would mean that any sag at all would be a violation. I believe that the existing standard of 36" to 42" should be used. This proposed standard would be unreasonable for contractors to satisfy.</p> | The new draft will reflect a minimum height of a warning line system to be at least 36 inches on the sag and a maximum height of 42 inches as stated in our current standard. |
| WAC 296-155-24515 (5) | Len Cornwell | <i>(regarding the section title)</i> ADD:... - <u>Roof work only.</u> | We allow the safety monitor in roofing and leading edge. |
| WAC 296-155-24515 (5)(a) | Len Cornwell | ADD:...surfaces <u>when employees must work between the edge and the warning line system.</u> | Working between the warning line and the edge, we are taking under advisement. |
| WAC 296-155-24515 (5)(a) | Len Cornwell | <p><i>(regarding the note)</i> REWORD: <u>A safety monitor system may be used without a warning line system</u> when performing...</p> <p>This note can be easily be read to mean that no system of any kind is required on roofs less than 50 feet wide since a monitor is normally associated with a warning line.</p> <p><i>(July 1, 2009)</i> OK on the rewording, HOWEVER notwithstanding its current usage, this note is in direct conflict with the definition of a safety monitoring system</p> | Rewording safety monitor – It is our current requirement and have not changed the language. |

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| | | given in 296-155-24503(48) where it says, "when working between the <u>warning line</u> and the unprotected sides and edges, . . ." The definition specifically links the system to the presence of a warning line. | |
| WAC 296-155-24515 (6) | Len Cornwell | <p><i>(regarding the section title)</i> ADD: ...specifications – <u>Roofing work only.</u></p> <p><i>(July 2, 2009)</i> I think I was reacting to the discontinuity of style/format between the 296-155-24515(4) entry and the following 296-155-24515(5) and (6) entries. The equivalent of the(a) entries that follow (5) and (6) was packed directly into the (4) entry.</p> | We have added the safety watch as an addition option when conducting work on roofs. We are not limiting the activity to just "roof work only." |
| WAC 296-155-24519 (5) | Len Cornwell | <p>This describes the specs for crawling boards but does not mention chicken ladders except in this line. Presumably they are not the same things.</p> <p><i>(July 2, 2009)</i> This being the case, will specifications for chicken ladders be added or the reference to chicken ladders in (5) be removed?</p> | You are correct in that the chicken board and crawling board are not the same thing. |
| WAC 296-155-24519 (6)(d) | Len Cornwell | <p>ADD: ... safety monitor <u>and/or warning line system.</u></p> <p><i>(July 2, 2009)</i> Ditto on my page 15 comments above regarding safety monitors and warning lines.</p> | There is no restriction on mechanical work and warning lines, it is our current requirement and is allowed. |
| WAC 296-155-24519 (6)(f) | Len Cornwell | <i>(regarding the term "guardrails")</i> CHANGE: standard guardrail systems | Will add standard guardrail system. |
| WAC 296-155-24519 (6)(f) | Len Cornwell | <i>(regarding the last sentence)</i> DELETE: Redundant as definition of standard guardrail system includes toe boards as appropriate. | The Department appreciates the time taken to provide this comment and recognizes the concerns and opinions presented. The Department will consider this comment when analyzing the draft language. |
| WAC 296-155-24521 (1)(a) | Len Cornwell | <i>(regarding the second sentence)</i> This is impractical. Records | This is our current requirement |

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| | | <p>are kept in the office and are retrievable, but if employees had to carry documentation of all their training so it was available on the job site, they might have to kept it in a binder with them everywhere they go.</p> <p><i>(July 2, 2009)</i> I would <u>not</u> suggest that it is an increase, but rather that it does not reflect how the world actually works.</p> <p>Incidentally, grammatically, the way the sentence is constructed, it literally says that training and documentation will be available on site. To say what I presume L&I means to say, you would word it thus, "Training shall be documented and the documentation shall be available on the job site." Or more simply, "Training documentation shall be available on the job site."</p> | <p>and not an increase.</p> |
| WAC 296-155-24521 | Len Cornwell | <p>RE the graphic: You might work on representation of the lanyard and the shock absorbing section so that they are in proportion to their relative lengths, and for the fallen figure on the right, so there is some correspondence between the figure elements and blue arrows next to it.</p> | <p>We are reviewing with our graphic artist and taking under advisement.</p> |