

Erich Smith DOSH Technical Services

Information on the fall protection rule



Where are we today?

CR 101 Filed Preproposal 2.19.19

CR 101 for Chapter 155 Part C-1 Rescinded

Currently updating Unified draft based upon stakeholder comments

Updated draft posted online soon

Stakeholder meetings in May 2019 related to the new draft.

Why Unified?

OSHA had concerns about our construction fall protection rules. (Part C-1)

OSHA published the 1910 Walking Working Surfaces standard.

Fall protection is addressed in more than 18 different standards.

Industry comments that a single standard would be easier.

Conducted stakeholder meetings on a unified fall protection standard

“If you are going to do it, do it right.”

Created a draft and stakeholdered in 2016 (draft available online)

Chapter 296-880 WAC
Safety Standards for Fall Protection

WAC 296-880-080 Scope
WAC 296-880-095 Definitions
WAC 296-880-100 Training
WAC 296-880-105 General requirements
WAC 296-880-110 Fall Protection Work Plan
WAC 296-880-115 Fall protection regardless of height
WAC 296-880-120 Fall protection required at four (4) feet or more
WAC 296-880-125 Exemptions from the fall protection requirements in this chapter

Fall protection system requirements for use.

WAC 296-880-200 Guardrail system requirements
WAC 296-880-205 Ramps, runways and inclined walkway requirements
WAC 296-880-210 Cover requirements - Holes, Openings
WAC 296-880-215 Personal fall arrest system requirements
WAC 296-880-220 Personal fall restraint system requirements
WAC 296-880-225 Self-rescue device requirements
WAC 296-880-230 Positioning device system requirements
WAC 296-880-235 Warning line system requirements
WAC 296-880-240 Safety monitor system requirements
WAC 296-880-245 Safety watch system requirements
WAC 296-880-250 Safety net system requirements
WAC 296-880-255 Catch platform requirements
WAC 296-880-260 Canopy requirements
WAC 296-880-265 Roof bracket requirements
WAC 296-880-270 Crawling board and chicken ladder requirements
WAC 296-880-275 Roof edge materials handling and material storage requirements

WAC 296-880-280 Fall protection requirements for specific equipment

WAC 296-880-28010 Order pickers (PITS)
WAC 296-880-28015 Elevating work platforms
WAC 296-880-28020 Powered Platforms
WAC 296-880-28025 Window Cleaning
WAC 296-880-28030 Scaffolds
WAC 296-880-28035 Cranes

WAC 296-880-285 Appendix A Determining roof widths – non-mandatory guidelines
WAC 296-880-290 Appendix B Calculating fall clearance distance – non-mandatory guidelines
WAC 296-880-295 Appendix C Test methods and additional guidelines for personal fall arrest systems – non-mandatory guidelines.



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 19, 2019

TIME: 2:53 PM

WSR 19-05-076

Agency: Department of Labor and Industries

Subject of possible rule making: The department is conducting rulemaking specifically related to fall protection requirements and references included in:

- Chapter 296-155 WAC Construction Work
- Chapter 296-24 WAC General Health and Safety, Part A, Part J and appendices
- Chapter 296-800 WAC Core Rules
- Chapter 296-32 WAC Telecommunication
- Chapter 296-45 WAC Electric Power Generation, Transmission and Distribution
- Chapter 296-56 WAC Longshore, Stevedore and Waterfront Related Operations
- Chapter 296-59 WAC Ski Area Facilities and Operations
- Chapter 296-78 WAC Sawmills and Woodworking Operations
- Chapter 296-79 WAC Pulp, Paper, and Paperboard Mills and Converters
- Chapter 296-301 WAC Textile Industry
- Chapter 296-304 WAC Ship Repairing, Ship Building and Shipbreaking
- Chapter 296-307 WAC Agriculture, Part O
- Chapter 296-863 WAC Forklifts and other Powered Industrial Trucks
- Chapter 296-869 WAC Elevating Work Platforms
- Chapter 296-870 WAC Powered Platforms
- Chapter 296-874 WAC Scaffolds
- Chapter 296-876 WAC Ladders, Portable and Fixed
- Chapter 296-878 WAC Window Cleaning

This rulemaking will possibly create a new Chapter, Chapter 296-880 WAC, Unified Fall Protection

Statutes authorizing the agency to adopt rules on this subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060

Reasons why rules on this subject may be needed and what they might accomplish: In June of 2013 and October of 2015 the Division of Occupational Safety and Health (DOSH) received notification from the Federal Occupational Safety and Health Administration (OSHA) relating to DOSH's fall protection standards. The latest notification advised the department that DOSH needed to amend our fall protection rules in Chapter 296-155 WAC in order for them to be at least as effective as those administered by OSHA. This rulemaking will consider changes to the rules to make them at least as effective as OSHA, as required by the Washington State Plan.

In addition, this rulemaking will consider incorporating fall protection requirements from multiple DOSH rules into one chapter applicable to all industries. During public meetings held in the fall of 2016 and 2018, stakeholders supported the creation of a unified fall protection rule and believe it will be easier to implement and help protect workers from fall hazards. By creating a unified fall protection rule, some existing requirements may be changed to ensure alignment and consistency and references to the existing requirements will need updating.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None



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- What to do if your employees are injured
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- Medical treatment guidelines

More For Business

More For Workers

More For Medical Providers

Rules & Requirements

Find a Rule

New Rule Activity

- ▶ Rules Under Development
- ▶ Public Hearing Calendar
- ▶ **Rulemaking Stakeholder Information Pages**

Rule Interpretations & Enforcement Policies

Top 10 Rule Violations

Related Laws (RCWs)

Unified Fall Protection Rulemaking (for all industries)

Construction Rules

Unified Fall Protection Rules

The Washington State Department of Labor and Industries (L&I), Division of Occupational Safety and Health (DOSH), would like to invite interested stakeholders to attend an informal review of our current Fall Protection rule language in chapter 296-155, Safety Standards for Construction. In order to provide more clarity in the rulemaking process, current rule language must be fully understood in order to evaluate proposed language.

Background

On June 2013 and October 2015 DOSH received notification from the Occupational Safety and Health Administration (OSHA) relating to the Department's fall protection standards, Chapter 296-155 WAC, Part C-1. The focus of OSHA's position is residential construction which has both high fatality and hospitalization rates due to falls from elevation. OSHA is concerned that our fall protection residential construction standards differ significantly from their policies and standards. Their policy issues focus in the following areas: Ambiguous language with regards to skylights and wall openings, the use and strength of warning lines, alternatives to conventional fall protection - catch platforms and safety watch systems and trigger height.

On March 22, 2016, a [CR-101 \(preproposal\)](#) was filed, letting the public know we were considering rulemaking on fall protection to address the concerns outlined by OSHA in their October 2015 notification and make sure our fall protection rules are as effective as the [OSHA requirements](#) (OSHA.gov). Because Washington's rules need to be at least as effective as OSHA rules, we are required to update our rules so they meet or exceed the federal safety requirements. A series of stakeholder meetings were held around the state in Tukwila, Bellingham, Wenatchee, Vancouver, Yakima and Spokane in the fall of 2016 extending through the summer of 2017. Through these public forums we found widespread support from stakeholders who said a single, unified fall protection standard that applied to all industries statewide would be easier to implement and help protect workers from fall hazards.

Beginning in August 2018, the department held seven stakeholder meetings across the state in Wenatchee, Kennewick, Yakima, Bellingham, Seattle, Spokane and Vancouver. We have found through discussions in our stakeholder meetings for the Unified Fall Protection that some stakeholders are not fully aware of the current rule language.

Meeting information

- Dec. 11, 2018, 1 p.m., Enduris Training Center, Spokane.
- Dec. 18, 2018, 1 p.m., Tukwila Service Location.

More information and resources

-  Unified Fall Protection Discussion Draft (1.31 MB PDF).
-  Walking Working Surfaces Analysis Document (717 KB PDF).
-  WAC 296–876 Walking–Working Surfaces Draft Update (1.01 MB PDF).
-  WAC 296–24 Walking–Working Surfaces Draft Update (990 KB PDF).
- Fall Protection, Fall Restraint & Fall Arrest topic page.
-  OSHA’s October, 2015 Letter to L&I about Fall Protection Requirements (175 KB PDF).
-  OSHA Technical Issues Information (108 KB PDF).
- OSHA’s Walking–Working Surfaces and Personal Protective Equipment (Fall Protections Systems) Rule Update (www.osha.gov).

Previous meeting reports

-  Dec. 13, 2016 (268 KB PDF).
-  Aug. 29, 2016 (98 KB PDF).
-  July 11, 2016, Stakeholder meeting with OSHA (93 KB PDF).

Please contact Carmyn Shute with any rulemaking or meeting questions: Carmyn.Shute@lni.wa.gov, **360–902–6081**.

Please contact Erich Smith with any technical questions about the Unified Fall Protection rule: Erich.Smith@lni.wa.gov, **206–515–2786**.

Please contact Drew Kertzman with any technical questions about the walking–working surfaces rule: Drew.Kertzman@lni.wa.gov, **360–902–4543**.

If you would you like to get updates via email, please select the "Fall Protection Rulemaking" topic when you sign up to receive email updates.

Back to today?

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Currently updating draft based upon stakeholder comments

Updated draft posted online soon.

Stakeholder meetings in May.

Questions / Comments?

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