



**Unified Fall Protection
Virtual Stakeholder Meeting Summary**
March 21, 2022 1:00 p.m. via Zoom

Washington State Department of Labor & Industries (L&I) Staff present:

Carmyn Shute, DOSH Administrative Regulations Analyst/Project Manager
David Gaw, DOSH Management Analyst
Erich Smith, DOSH Construction Technical Specialist
Chris Miller, DOSH Standards Program Manager
Carissa Painter, DOSH Standards Admin Assistant
Teri Neely, DOSH Technical Services Safety Program Manager
Allison Drake, DOSH Policy/Stakeholder Engagement Manager

Attendees:

151 Pre-registered attendees with an average of 95 attendees present.

Summary:

Meeting called to order at 1:05 p.m.

DOSH staff provided introductions for presenting panelists and other staff, general virtual meeting procedures and etiquette, all questions will be answered by staff at the end of the presentation.

Presentation: Upcoming changes to the Unified Safety Standard for Fall Protection, Erich Smith.

Question and answer session:

Question: *Is this informational only?*

DOSH Response: We are taking comments and questions regarding these changes. You may do so during this meeting or our next meeting on Wednesday (3/23). You can also share questions or comments with Carmyn Shute, carmyn.shute@lni.wa.gov and Erich Smith, erich.smith@lni.wa.gov.

Question: *Will this revised rule language be available on the L&I website?*

DOSH Response: We currently do not have a website topic page for this rulemaking. You are all welcome to send me an email at Carmyn.Shute@Lni.wa.gov and I am happy to email the information to you.

Question: *Would this be available for a leak repair?*

DOSH Response: Referring to safety watch, if considered construction work then no. If it wasn't considered construction, then would be considered safety watch. Would have to look at what roofing and construction work is and how it would apply.

Question: Please keep safety watch for general industry.

DOSH Response: Thank you.

Question: Would it have to be documented?

DOSH Response: Not sure what is meant by this question. Would need more clarity. If you're going to have a work rule, best case is to have it in writing. Should be part of accident prevention program.

Question: Is roof replacement or repair considered infrequent?

DOSH Response: No. Roof repair or replacement is considered roofing work, which is construction work. Would be 4-6 feet depending on the pitch of roof.

Question: Did OSHA provide "SPECIFIC LANGUAGE" for what provisions of the DOSH UFPS which they have concerns?? Or is DOSH just "guessing" and seeing what OSHA's following response will be?

DOSH Response: OSHA's letter did get talked about at various association meetings. We went over OSHA's letter and concerns.

Question: Why the four foot if we are doing away with 10' for roofing work just go 6' across except when placing members.

DOSH Response: Good point.

Question: Installing structural members below ten feet, and above six feet would not need fall arrest?

DOSH Response: So, erecting structural members would still be 10 feet.

Erich asked the attendees whether "safety watch" should be kept in the standard.

Question: Keep safety watch. (x2)

DOSH Response: Thank you.

Question: I have concerns about turning maintenance activities into "construction work". Can we keep that in mind when revising?

DOSH Response: So, the standard very clearly defines what construction work is. Have to look at 2 things shown looking at construction work. Chapter 155 has maintenance in scope. If it's maintenance related to construction work. i.e. in Boeing you're replacing train rails and are doing construction work. This keeps things separated and line is less blurry.

Question: Is there documentation as to the rationale from OSHA on reducing construction from 10' to 6'?

DOSH Response: Yes, OSHA standards require fall protection at 6' or more.

LIVE COMMENT: What is going to happen is all these companies are going to get fired because its almost impossible to follow when doing leading edge work. But realistically it'd be very complex because a lot of companies would fail and do tickets. Seems like they're going for giving more tickets. IS this just a rule to make a rule?

DOSH Response: Thank you for the comment, appreciate that and we understand.

Question: *Looking to identify a leak, not do any work yet apply?*

DOSH Response: Not going to get into anything interpretive.

Question: *Keep safety watch. (x2)*

DOSH Response: Thank you for your comment.

Question: *Safety watch for low level roof inspection for asbestos?*

DOSH Response: Potentially, yes. But we still have the exception from fall protection when inspecting or investigating.

Question: *More specific, would we be able to walk top plate to install joist?*

DOSH Response: Would fall under 10' for external placement of structural members. Walking from a to b – that's where 10 foot is allowed.

Question: *Why does L&I want to keep a 4' fall protection requirement when OSHA is at 6'?*

DOSH Response: Looking at updating what we currently have. Making suggestion that we have 6' for construction and 4' for fixed general industry. That's a good point and management doesn't have interest in going beyond what we're doing here.

Question: *Would this be available to window cleaning operations that are one time per month or less? Is monthly service "infrequent"?*

DOSH Response: Referring to safety watch. Minimum is 6' back and exemption is 15' from edge. Greater than 15' there is an exemption for construction. Can use conventional safety or safety watch.

Question: *FPWP still for 10' or will it go down to 6'?*

DOSH Response: That's not changing, remains at 10'.

Question: *Agree with statement made earlier from an attendee.*

DOSH Response: Thank you for your comment.

Question: *If you change the low pitch roof safety monitor system to within 15 feet from the edge, that would mean that someone standing in the center of a 30 foot by 30 foot flat or 1:12 roof would have to have on a fall harness? That seems excessively overreaching.?*

DOSH Response: You would understand though that in many cases people have to have fall protection there now. Only thing that exception does is allow it for 15' from the edge.

Question: *Especially if rolling trusses requires nothing?*

DOSH Response: Rolling trusses is usually under 10'.

Question: *Do any of these revisions affect those who work under 296-32, Telecommunications Safety Standards or 296-45, Electrical Workers Safety Standards since fall protection rules for those workers are specific to the work they do?*

DOSH Response: No. When we put unified fall protection standard together - had a discussion within industries of Chapter 32 and 45. Management's decision is they would fall under fall protection provision. Those areas are not effected.

Question: *Documented? By a fall protection plan for the work at hand?*

DOSH Response: Potentially – the fall protection work plan does need to be written but not everything will need a fall protection work plan. Based on height.

Question: *So I am clear, rolling joist at 9'6" does not require FP but installing the subfloor would?*

DOSH Response: Subfloor would be considered a leading edge.

Question: *Safety watch is for non-construction only correct?*

DOSH Response: Yes, cannot use in construction. Can use safety monitor which is almost the same thing.

Question: *Yes. (In response to keeping safety watch.)*

DOSH Response: Thank you for your comment.

Question: *Not confusing to have both (In response to keeping safety watch.).*

DOSH Response: Thank you for your comment.

Question: *Historically, OSHA had 4' for maintenance and 6' for construction I believe?*

DOSH Response: Mostly yes. Few interpretation letters yes, but generally yes.

Question: *Yes, confusing, simplify where available. (In response to keeping safety watch.)*

DOSH Response: Thank you for your comment.

Question: *So is this not a hazard based code rather than a code based code? Cause it seems like the fall hazard is far greater for edge work like trusses or joists, than installing subfloor?*

DOSH Response: The idea is because you don't have stable structure to stand on/work on.

Question: *Yes, but could be revised for clearer requirements (In response to keeping safety watch).*

DOSH Response: Thank you for your comment.

Question: *Maybe re-write the safety watch section as an additional layer of protection so that it is not confusing?*

DOSH Response: If you find it confusing, how?

Question: *Will Safety Monitor and Safety Watch continue to be used in WA? My company has both definitions in their standard and it's confusing for them?*

DOSH Response: Safety monitor system is not one of those requirements. Safety watch – OSHA has expressed concerns and we are looking to make the changes we have here, if we decide to keep safety watch. If you're a construction company- safety watch wouldn't be able to

be used. When a construction company isn't doing construction work – you don't have to stick to one code. It's based on work you are doing. Safety monitoring is 1 to 8 workers and safety watch is 1:1. Roofing work is considered construction. Being on a roof isn't automatically considered roofing work.

Question: *I think you need to more clearly define “infrequent and temporary”, the proposed definition leave a lot of room for interpretation.*

DOSH Response: Yes and that's kind of reason why we use those terms. In preamble – there is long discussion on both terms. When you read the standard, you can get a lot of opinions on what it says. By using terms that are defined by OSHA – we can utilize all language used in the federal register and it makes the language a lot more clear. That is why I (Erich Smith) went with these two terms. It is easier to understand.

Question: *We won't be able to use the safety watch but I think keep it for those who could.*

DOSH Response: Thank you for your comment.

Question: *I understand Carmyn's answer that L&I does not currently have a website topic page for this rule. Will there be one in the near future?*

DOSH Response: That decision has not been made. In the meantime, if you need information or copies of the draft, please email Carmyn.Shute@Lni.wa.gov or Erich.Smith@Lni.wa.gov and we will be sure to get it to you.

Question: *WAC 45 has many references to WAC 155 section C, do we default to 880 now?*

DOSH Response: I thought we updated some of those references in 45 and 32 to chapter 880. Would have to go back and check on those but may need to go back and tend to those. There were references to specifications, I believe. We will look at that.

Question: *Will this material be available after the meeting in some form?*

DOSH Response: For questions and comments on this rulemaking or to get copies of the changes, please contact: Carmyn Shute, carmyn.shute@lni.wa.gov or Erich Smith, erich.smith@lni.wa.gov .

Question: *Since DOSH is making these new rules, is DOSH planning to educate/help employers of how they can feasibly comply with these new rules (from 10' to 6' in particular)?*

DOSH Response: I believe so.

Question: *It makes perfect sense, thanks.*

DOSH Response: Thank you for your comment.

Question: *What if I cannot inspect my safety nets weekly due to tests or experiments going on in the area that is being affected?*

DOSH Response: Well, the standard does have those requirements. None of that is changing. If there is potential that an employee could fall into it, then inspection needs to be performed.

Question: OSHA used to have a white paper out about 30 years ago why they went to the 6' standard. I believe they found that at 7' of fall height – there was a 70% chance of fatality.

DOSH Response: I don't know if I've ever seen that paper but OSHA does look at data but determined that in most cases, 6' met a couple of criteria. Seriousness of injury and the ability to provide fall protection. That's largely why these have changed from 10' to 6' – workers wouldn't have been provided same protections between DOSH and OSHA.

Question: *So I have to stop my experiments have to do the inspections? Some experiments last longer than a week. The employee does not have a chance to fall in them when experiments are going on and the manufacturer states that it needs to be inspected annually and not weekly. Is it ok to do this then?*

DOSH Response: Can't get into interpretations, but you should follow what WAC requirements are. And if worker could fall – those need to be inspected prior to.

Question: *Ok, that works thank you.*

DOSH Response: Thank you for your comment.

Question: *Is the scaffolding 10' affected?*

DOSH Response: No, scaffold is 10' in WA and 10' in OSHA.

Question: *I appreciate the info, thank you?*

DOSH Response: Thank you for your comment.

Question: *Thank you.*

DOSH Response: Thank you for your comment.

Question: *Thank you Erich!!*

DOSH Response: Thank you for your comment.

Question: *Thank you, appreciated.*

DOSH Response: Thank you for your comment.

Question: *Nicely done team!*

DOSH Response: Thank you for your comment.

Meeting adjourned at 1:53 pm.