

# Walking-Working Surfaces and Personal Fall Protection Systems Final Rule

## Frequently Asked Questions

### General

#### [What is the purpose of the final rule?](#)

The final rule updates and revises the outdated general industry Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) standards on slip, trip, and fall hazards, which are a leading cause of worker deaths and lost-workday injuries (29 CFR part 1910, subparts D and I). OSHA adopted the existing standards in 1971 and has not updated them since. The final rule also adds new requirements on personal fall protection systems (29 CFR part 1910, subpart I).

OSHA estimates the final rule will prevent 29 worker deaths and 5,842 lost-workday injuries each year. Additionally, because the final rule harmonizes general industry requirements with OSHA's existing construction industry standard and many ANSI standards, the new rule will make compliance both easier and less costly. OSHA estimates the annual monetized benefits of the lives saved and injuries prevented will be \$614.5 million (with net benefits of \$309.5 million (benefits minus costs)).

#### [How does the final rule increase worker protection?](#)

The final rule increases worker protection in many ways. The final rule:

- Eliminates the hazard of workers climbing extended heights on fixed ladders without fall protection by phasing out the use of qualified climbers in outdoor advertising;
- Phases in a requirement that fixed ladders (over 24 feet) be equipped with ladder safety or personal fall protection systems to prevent workers from falling or arresting their fall before contact with a lower level;
- Provides performance criteria for personal fall protection equipment in general industry, similar to the criteria that have been in OSHA's construction industry rules since 1994;
- Requires the use of body harnesses, and prohibits body belts, in personal fall arrest systems to distribute fall arrest forces over a larger area of a worker's body; and
- Requires workers who use personal fall protection and other equipment the standard covers be trained, and retrained as necessary, in fall and equipment hazards before they work at elevated heights or use that equipment, including fall protection systems.

#### [What benefits does the final rule provide for employers?](#)

The final rule is easier for employers to follow and provides employers with greater flexibility. For example, the final rule:

- Provides compliance flexibility for employers by increasing the fall protection options employers may use;
- Provides greater consistency between OSHA's general industry and construction standards, which makes compliance easier for employers who perform both general industry and construction activities;

- Incorporates advances in technology, industry best practices, and national consensus standards, which provide employers with effective and cost-efficient measures to protect workers;
- Replaces outdated specification requirements with performance-based language and criteria, which provides greater flexibility and makes the final rule easier for employers and workers to understand and follow.

#### [Who and what does the final rule cover?](#)

The final rule applies to all general industry workplaces and covers all walking-working surfaces, which include horizontal and vertical surfaces such as floors, stairs, roofs, ladders, ramps, scaffolds, elevated walkways, and fall protection systems.

The final rule covers a wide variety of general industry firms including building management services, utilities, warehousing, retail, window cleaning, chimney sweeping, and outdoor advertising.

#### [What are the major changes in the final rule?](#)

The final rule includes a number of revisions to the existing general industry standards. These changes and new requirements include:

- **Fall protection flexibility (§1910.28(b)).** The final rule allows employers to protect workers from falls by choosing from a range of accepted fall protection systems, including personal fall protection systems. It eliminates the existing mandate to use guardrails as the primary fall protection method and gives employers the flexibility to determine what method they believe will work best in their particular workplace situation. This approach has been successful in the construction industry since 1994. The final rule allows employers to use non-conventional fall protection practices in certain situations, such as designated areas on low-slope roofs for work that is temporary and infrequent and fall protection plans on residential roofs when employers demonstrate guardrail, safety net, or personal fall protection systems are not feasible or create a greater hazard (§1910.28(b)(1) and (b)(13));
- **Updated scaffold requirements (§1910.27(a)).** The final rule replaces the outdated general industry scaffold standards with the requirement that employers comply with OSHA's construction scaffold standards;
- **Phase-in of ladder safety systems or personal fall arrest systems on fixed ladders (§1910.28(b)(9)).** The final rule phases in over 20 years a requirement to equip fixed ladders (that extend over 24 feet) with ladder safety or personal fall arrest systems and prohibits the use of cages and wells as a means of fall protection after the phase-in deadline. There is wide recognition that cages and wells do not prevent workers from falling from fixed ladders or protect them from injury if a fall occurs. The final rule grandfathers in cages and wells on existing ladders, but requires during the phase-in period that employers equip new ladders and replacement ladders/ladder sections with ladder safety or personal fall arrest systems;
- **Phase-out of the "qualified climber" exception in outdoor advertising (§1910.28(b)(10)).** The final rule phases out OSHA's directive allowing qualified climbers in outdoor advertising to climb fixed ladders on billboards without fall protection and phases in the requirement to equip fixed ladders (over 24 feet) with ladder safety or personal fall arrest systems. Outdoor advertising employers must follow the fall protection phase-in timeline for fixed

ladders. However, if ladders do not have any fall protection, outdoor advertising employers have 2 years to comply with the existing standard (i.e., install a cage or well) or, instead, they may install a ladder safety or personal fall arrest system, both of which are cheaper than cages or wells;

- **Rope descent systems (RDS) and certification of anchorages (§1910.27(b)).** The final rule codifies OSHA's memorandum for employers who use RDS to perform elevated work. The final rule prohibits employers from using RDS at heights greater than 300 feet above grade unless they demonstrate it is not feasible or creates a greater hazard to use any other system above that height. In addition, the final rule requires building owners to provide and employers to obtain information that permanent anchorages used with RDS have been inspected, tested, certified, and maintained as capable of supporting at least 5,000 pounds per employee attached.
- **Personal fall protection system performance and use requirements (§1910.140).** The final rule, which allows employers to use personal fall protection systems (i.e., personal fall arrest, travel restraint, and positioning systems), adds requirements on the performance, inspection, use, and maintenance of these systems. Like OSHA's construction standards, the final rule prohibits the use of body belts as part of a personal fall arrest system;
- **Inspection of walking-working surfaces (§1910.22(d)).** The final rule requires that employers inspect walking-working surfaces regularly and as needed and correct, repair, or guard against hazardous conditions; and
- **Training (§1910.30).** The final rule adds requirements that employers ensure workers who use personal fall protection and work in other specified high hazard situations are trained, and retrained as necessary, about fall and equipment hazards, including fall protection systems. Employers must provide information and training to each worker in a manner the worker understands.

#### [When does the final rule become effective?](#)

The final rule becomes effective on [insert date], which is 60 days after publication in the [Federal Register](#). OSHA also provides delayed or phased-in compliance dates for several requirements in the final rule, including:

- Training workers on fall and equipment hazards -- **6 months;**
- Inspection and certification of permanent building anchorages -- **1 year;**
- Installation of fall protection (personal fall arrest systems, ladder safety systems, cages, wells) on existing fixed ladders (over 24 feet) that do not have any fall protection -- **2 years;**
- Installation of ladder safety or personal fall arrest systems on new fixed ladders (over 24 feet) and replacement ladders/ladder sections -- **2 years;** and
- Installation of ladder safety systems or personal fall arrest systems on all fixed ladders (over 24 feet) -- **20 years.**

#### [Will states with OSHA-approved programs adopt the standards?](#)

Yes. States with OSHA-approved state plans have six months to adopt standards that are at least as effective as Federal OSHA standards. Many state plans adopt standards identical to OSHA, but some state plans may have different or more stringent requirements.

#### [What resources are available to help small businesses and other employers comply with the standards?](#)

OSHA recognizes that most employers want to keep their employees safe and protect them from workplace hazards. We therefore provide extensive compliance assistance through our Compliance Assistance Specialists, website, publications, webinars, and training programs, many of which are geared toward small and mid-sized employers.

OSHA's On-site Consultation Program provides professional, high-quality, individualized assistance to small businesses at no cost. This service, which is provided by consultants from state agencies or universities, is separate and independent from enforcement programs in federal or state OSHA's programs, and provides free and confidential workplace safety and health evaluations and advice to small and medium-sized businesses. In FY 2015, the On-site Consultation Program conducted more than 27,800 free visits to small and medium-sized business worksites, helping to remove more than 3.5 million workers from hazards nationwide.

## Rope Descent Systems

### [What is a rope descent system \(RDS\)?](#)

The final rule defines RDS as a suspension system that allows a worker to descend in a controlled manner and, as needed, stop at any point during the descent to perform work. An RDS usually consists of a roof anchorage, support rope, descent device, carabiners or shackles, and chair (seatboard). An RDS also is called controlled descent equipment or apparatus, but it does not include industrial rope access systems.

### [What operations use RDS?](#)

For decades many employers have used RDS for exterior building cleaning, particularly window cleaning; maintenance; and inspection operations.

### [What requirements apply to the use of RDS?](#)

OSHA first established requirements for the use of RDS in a 1991 Memorandum to Regional Administrators. The final rule incorporates those requirements and requires that employers ensure each RDS:

- Is not used for heights greater than 300 feet, unless the employer demonstrates that it is not feasible or creates a greater hazard to access such heights by any other means (e.g., powered platforms);
- Is used in accordance with manufacturer's instructions, warnings and design limitations or under the direction of a qualified person;
- Is inspected before initial use during a workshift;
- Has proper rigging, including anchorages and tiebacks;
- Has a separate and independent personal fall arrest system;
- Has components that are all capable of sustaining 5,000-pound minimum rated load (except seatboards, which must be able to support 300 pounds);
- Has ropes that are protected to prevent cuts and weakening and exposure to open flames, hot work, corrosive chemicals and destructive conditions;
- Has stabilization when descents are greater than 130 feet; and
- Is not used when hazardous weather conditions are present.

In addition, the final rule requires that employers:

- Obtain written information from building owners assuring that permanent RDS anchorages have been tested, certified and maintained before employers use them;
- Ensure each worker who uses an RDS receives training and secures tools to prevent them from falling; and
- Provide prompt rescue of each worker in the event of a fall.

#### [Why does the final rule limit RDS use to 300 feet above grade?](#)

OSHA believes evidence shows that using RDS at heights above 300 feet (greater than 30 stories) can be dangerous, particularly due to the effects of wind on longer ropes. OSHA adopted the 300-foot height limit from the ANSI/IWCA I-14.1 – 2001 national consensus standard on window cleaning. The final rule does permit employers to use RDS above 300 feet if the employer demonstrates it is not feasible or creates a greater hazard to access such heights by any other means (e.g., powered platforms).

#### [Do any states restrict the use of RDS?](#)

Several states limit the use of RDS to certain heights. Like the final rule, Minnesota and Washington limit the use of RDS to 300 feet above grade. California does not allow RDS use above 130 feet and requires installation of powered platforms or swing stage scaffolds on all buildings with a height greater than 130 feet.

New York's state regulations do not allow the use of RDS.

#### [How will the final rule affect state restrictions on the use of RDS?](#)

The final rule does not affect California, Minnesota, and Washington regulations restricting the heights at which employers may use RDS because these regulations were issued through OSHA-approved occupational safety and health State Plans that cover both private sector and state and local government employees.

The Occupational Safety and Health Act ("OSH Act") preempts state regulation of occupational safety and health issues for which there is a federal OSHA standard, unless the state's regulations are created under the auspices of an OSHA-approved State Plan. State Plans are required to have standards, and an enforcement program for those standards, that are at least as effective as federal OSHA. The OSH Act allows for State Plans to be more effective than OSHA, and as such, states with OSHA-approved State Plans can adopt standards that provide a greater level of protection to workers covered by the State Plan. Full-coverage State Plans, like CA, MN and WA, can continue to impose equal or lower height restriction for RDS use in both private sector and state and local government workplaces.

New York also has an OSHA-approved State Plan, but its coverage is limited to state and local government workers. OSHA's final rule preempts the New York regulations as it applies to private sector workers, but not as it applies to state and local government workers.

## Outdoor Advertising

#### [What are the new fall protection requirements for the outdoor advertising industry?](#)

The final rule phases in a requirement to equip fixed ladders (over 24 feet) on billboards, with fall protection and to ensure outdoor advertising workers use the fall protection while climbing fixed ladders. The final rule establishes the following timeline for installing fall protection on billboard fixed ladders:

- Outdoor advertising employers have **two years** to install a cage, well, ladder safety system, or personal fall arrest system on billboard fixed ladders that are not equipped with any fall protection (§1910.28(b)(10)(ii));
- Outdoor advertising employers have **20 years** to install a ladder safety or personal fall arrest system on billboard fixed ladders that have a cage or well (§1910.28(b)(9)(i)(D));
- Outdoor advertising employers must equip **new** billboard ladders with a ladder safety system or personal fall arrest system (§1910.28(b)(9)(i)(B)); and
- Outdoor advertising employers must equip billboard ladder and section **replacements** with a ladder safety system or personal fall arrest system (§1910.28(b)(9)(i)(C)).

Currently, outdoor advertising employers are only required to install fall protection (i.e., ladder safety systems) where the length of a climb exceeds 50 feet or the height of the ladder extends more than 65 feet above grade.

#### [How long can "qualified climbers" climb fixed ladders in outdoor advertising without using fall protection?](#)

Qualified climbers may continue to climb billboard fixed ladders (over 24 feet) without fall protection during the two-year phase-in period for installing some type of fall protection (i.e., cage, well, ladder safety system, personal fall arrest system) on those ladders. During this period, outdoor advertising employers also must ensure that each qualified climber:

- Receives training and demonstrates the physical capability to perform climbs;
- Wears a body harness equipped with an 18-inch rest lanyard;
- Keeps both hands free when climbing the fixed ladder; and
- Uses fall protection after reaching the work position (§1910.28(b)(10)(ii)(A) – (D)).

Once billboard ladders are equipped with some type of fall protection, outdoor advertising employers must ensure workers use those systems while climbing.

#### [What effect will the new fall protection requirements for fixed ladders in the outdoor advertising industry have on the "qualified climber" exception?](#)

The final rule phases out OSHA's 1993 policy that allows "qualified climbers" to climb billboard fixed ladders without any fall protection. Once phase-in deadlines arrive, outdoor advertising employers must ensure that all billboard fixed ladders (over 24 feet) are equipped with fall protection and all workers use those systems during the entire length of the climb.

#### [Why is OSHA phasing out the "qualified climber" exception in the outdoor advertising industry?](#)

OSHA is phasing out the qualified climber exception and requiring that fixed ladders in outdoor advertising be equipped with fall protection for several reasons:

- Workers are at risk of death and injury whenever they climb elevated heights on fixed ladders without fall protection. The final rule's fall protection requirements will eliminate or reduce falls from fixed ladders in the outdoor advertising industry.
- Requiring workers to use fall protection while they are climbing with help to ensure that they remain tied off when they reach the work platform and begin work.

- The fall hazards on fixed ladders in outdoor advertising are not unique to that industry and for this reason OSHA believes it is reasonable and appropriate that those ladders meet the same requirements as all other fixed ladders;
- Advances in technology since OSHA issued its 1993 policy have made ladder safety and personal fall arrest systems on fixed ladders feasible, effective and affordable for the outdoor advertising industry; and
- The final rule closes OSHA's last safety loophole that allows workers to climb extended heights on fixed ladders without fall protection. OSHA recently eliminated a similar exception that allowed workers to climb electric utility poles without fall protection.

#### [Why is OSHA providing phase-in time to equip fixed ladders with fall protection?](#)

Providing additional compliance time to equip billboard fixed ladders (over 24 feet) with fall protection ensures the final rule is economically feasible and cost effective for the outdoor advertising industry:

- Where billboard fixed ladders already have some type of fall protection, the final rule gives outdoor advertising employers up to 20 years to install ladder safety systems or personal fall arrest systems. OSHA estimates that the useful life of outdoor advertising fixed ladders is approximately 20 years. Therefore, in the overwhelming majority of cases outdoor advertising employers will be able to comply with the final rule during normal equipment replacement cycles;
- Where billboard fixed ladders do not have fall protection, the final rule gives outdoor advertising employers two years to come into compliance with the existing standard, which eases the economic impacts of the final rule and gives employers time to negotiate with manufacturers/vendors for the most cost-effective system that satisfies their needs. In addition, although the existing standard requires that fixed ladders (over 20 feet) be equipped with cages or wells, the final rule allows outdoor advertising employers to equip billboard fixed ladders with ladder safety or personal fall arrest systems, which cost less than cages and wells.

## Residential Roofs

#### [What fall protection must employers provide on residential roofs?](#)

The final rule requires that employers must provide guardrail, safety net, or personal fall protection systems to protect workers from falling off unprotected sides/edges of residential roofs that are four feet or more above a lower level. (Fall protection is not required when inspecting, investigating, or assessing workplace conditions or work prior to the start of work or after all work is completed (§1910.28(a)(2)(ii).)

When the employer can demonstrate that it is not feasible or creates a greater hazard to use guardrail, safety net, or personal fall protection systems on a residential roof, the employer must develop and implement:

- A fall protection plan; and
- Training.

The employer's fall protection plan and training must meet the requirements of the construction fall protection standard (29 CFR 1926.502(k) and 1926.503(a) and (c)).

OSHA believes that limiting the use of fall protection plans to those situations in which guardrail, safety net, or personal fall protection systems cannot be used ensures that employers use alternative, less-protective control measures only as a last resort.

#### [Who must show that using fall protection systems on a residential roof is not feasible or creates a greater hazard?](#)

OSHA believes that in virtually all work operations on residential roofs, employers can protect workers from falling by providing guardrail, safety net, or personal fall protection systems. The employer has the burden to establish that it is not feasible or will create a greater hazard to provide any fall protection in the particular residential roof operation, and that it is necessary to implement a fall protection plan (§1910.28(b)(1)(ii)).

#### [What are the requirements of the fall protection plan?](#)

The employer must develop and implement a fall protection plan that contains the following requirements. The plan must:

- Be prepared by a "qualified" person;
- Be developed for the site where the work will be performed;
- Be maintained up-to-date and at the job site;
- Be implemented under the supervision of a "competent person;"
- Identify each location where fall protection systems cannot be used;
- Document the reasons why fall protection systems are infeasible or would create a greater hazard;
- Discuss other measures that the employer will take to eliminate or reduce the fall hazard for workers;
- Provide for implementation of control measures to reduce or eliminate hazards or implement a safety monitoring system that complies with the construction standard (29 CFR 1926.502(h));
- Identify each worker who works in a location where a fall protection plan is implemented; and
- Provide for the investigation of the circumstances of any fall or other serious incident that occurs to determine whether the employer needs to change the fall protection plan and implement those changes.

#### [Why did OSHA add the residential roof provision to the final rule?](#)

OSHA included this provision in the final rule to increase consistency between the general industry and construction standards, which makes compliance easier for general industry employers who perform both types of activities on residential roofs. Also, requiring employers to develop and implement a fall protection plan ensures that employers take additional action to reduce fall hazards when guardrail, safety net, and personal fall protection systems cannot be used. Many stakeholders urged OSHA to add this provision to the final rule.

## Agricultural Operations

#### [Why does the final rule exclude agricultural operations?](#)

Although OSHA believes that walking-working surfaces hazards, particularly fall hazards, are present in agricultural operations, the Agency did not propose to cover agricultural operations and did not gather



and analyze the type of information necessary to support including agricultural operations in the final rule. In addition, because the proposed rule did not cover agricultural operations, the public, and in particular agricultural stakeholders, did not have an opportunity to comment on any protective measures OSHA might require.

#### [What are agricultural operations?](#)

Although the final rule does not define agricultural operations, in the past OSHA has said they include:

- Activities involved in growing and harvesting (including field sorting) of crops, plants, vines, fruit and nut trees, ornamental plants, egg production, and raising livestock, poultry, fish and livestock products (e.g., feed for livestock on the farm); and
- Preparation of the ground, sowing, watering and feeding of plants, weeding, spraying, harvesting, raising livestock, and all activity necessary for these activities .

In addition, activities integrally related to these core agricultural activities (e.g., delivery of feed to chickens) also are considered agricultural operations. Determining whether an activity is a core agricultural operation is made on a case-by-case basis based on the nature and character of the specific activity.

#### [What activities are not core agricultural operations and, therefore, not excluded from the final rule?](#)