



Jeffry Carter
Department of Labor

Residential Construction Fall Protection Program

OSHA Instruction: STD 03 11 002

February 22, 2012

On June 16th, 2011 IOSHA published a memorandum concerning the implementation schedule for the Residential Construction Fall Protection Program. That document modified certain timelines contained within OSHA Instruction STD 03-11-002.

On September 22, 2011 Federal OSHA issued new instructions on this topic. OSHA did not stay implementation but did limit certain enforcement activities and gave Regional Administrators specific post citation instructions. The combined effect was to scale back enforcement until March 15, 2012.

IOSHA established a compliance date of October 1, 2011 in a memorandum dated September 29, 2011. That document also encouraged employers to use various educational resources such as INSAFE to insure their programs were compliant with the new Federal enforcement programs.

On February 15th, 2012 Federal OSHA issued a memorandum directing that the Federal enforcement changes described in the September 22, 2011 memorandum would continue to be observed until September 15, 2012.

Today, IOSHA is modifying its implementation plan based in part on the Federal Program change.

- Residential construction contractors and sub contractors who are using fall protection that meets the interim guidance will not be cited. Where the employers program meets the interim guidelines or the employer is making a good faith effort to meet the new guidelines but has fallen short in some area, IOSHA will issue a 5(a)1 letter of recommendation and a referral to INSafe for consultative services will be made.
- If there is no Fall Protection Program and no effort is underway to comply with the existing guidelines, a citation will be issued to the employer.
- **Full enforcement of the original compliance directive will commence on September 15, 2012**

Employers are encouraged to move quickly on acquisition of any required personal protective equipment and development and implementation of company policy that would support this program. IOSHA also believes there are sources other than INSAFE available that can provide technical assistance.

Employers can obtain needed information and model programs from various trade associations, safety contractors, and many manufacturers.

Questions concerning this directive should be addressed to:

Jeffry Carter
Deputy Commissioner of Labor
402 West Washington Street Room W-195
Indiana Government Center South
Indianapolis, IN 46204
317.233.3605
JECarter@dol.in.gov

For assistance with safety programs and on site consultations, employers can contact INSafe program at:

Phone: 317.232.2688
Email: INSafe@dol.in.gov



Jeffry Carter
Deputy Commissioner for
Occupational Safety and Health
Indiana Department of Labor

Attachments:

1. February 15, 2012; Memorandum from Assistant Secretary David Michaels
2. June 16th IOSHA Memorandum
3. September 22, 2011; Memorandum from Assistant Secretary David Michaels





FEB 15 2012

ATTACHMENT 1

MEMORANDUM FOR: OSHA REGIONAL ADMINISTRATORS

FROM: DAVID MICHAELS, PhD, MPH

SUBJECT: Residential Construction Fall Protection

In my September 22, 2011 memorandum, I provided general policy guidance for enforcement of the residential fall protection directive (Compliance Guidance for Residential Construction, STD 03-11-002, effective June 16, 2011). The memo established a 6-month period ending March 15, 2012 during which OSHA would place a high priority on compliance assistance related to residential fall protection. It also provided instructions applicable to inspections, citations, penalties, and a 30-day correction period for residential construction employers found to be following the old directive (STD 03-00-001). A copy of that memo is attached.

OSHA's efforts to assist the residential construction industry as it transitions to the new fall protection requirements are working well. Our Compliance Assistance Specialists (CASs) are responding promptly to requests related to residential fall protection. Our Compliance Safety and Health Officers (CSHOs) and Area Directors are demonstrating to the industry that OSHA is taking a common-sense approach when enforcing the new requirements.

Accordingly, I have decided that OSHA will continue the measures we have been taking and extend the transitional phase an additional 6 months. All policy and instructions contained in the September 22, 2011 memorandum will continue in effect until September 15, 2012.

Please share this information with the State Plans and On-site Consultation Projects in your Region, and ensure that all Area Offices follow this continued temporary policy.

Attachment

Attachment

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20201



September 22, 2011

MEMORANDUM FOR: OSHA REGIONAL ADMINISTRATORS

FROM: 
DAVID MICHAELS, PhD, MPH

SUBJECT: Residential Construction Fall Protection

Effective immediately and until March 15, 2012, the following general policy guidance is to be followed for enforcement of the new residential fall protection directive (Compliance Guidance for Residential Construction, STD 03-11-002) and for compliance assistance related to that directive. Please share this information with the State Plans and On-site Consultation Projects in your region, and ensure that all Area Offices follow this temporary policy.

- 1) OSHA will make it a priority for our Compliance Assistance Specialists (CASs) to provide assistance to the residential construction industry. Please instruct the Area Offices that residential fall protection requests are to be the CAS's highest priority. In addition, please inform the State On-site Consultation Projects that, from September 16, 2011 through March 15, 2012, excluding imminent danger situations, requests from residential construction businesses should be their highest priority for receiving an on-site visit.
- 2) During inspections of employers engaged in residential construction who are not complying with the new residential fall protection directive, but are following the old directive (Plain Language Revision of OSHA Instruction STD 3.1, Interim Fall Protection Compliance Guidelines for Residential Construction, STD 03-00-001), the Regional Administrators and Area Directors will take the following actions:
 - Area Directors will allow an additional good faith reduction in penalties of up to 10% for employers engaged in residential construction. In addition to the safety and health management system good faith determination in Chapter 6 of the Field Operations Manual, the Area Director shall consider examples of attempting to comply in good faith to include: requesting and scheduling an On-site Consultation visit, ordering protective fall equipment for its employees, or performing a documented evaluation of feasible means of abatement. This good faith reduction does not apply in cases of a fatality, catastrophe, or serious injury resulting from a fall during residential construction activities.

- Area Directors will allow residential construction employers at least 30 days to correct fall protection violations identified under the new residential fall protection directive. During that time, if such employers are not in compliance at that site or another site, no additional citations or repeat citations shall be issued. This policy does not apply in cases of a fatality, catastrophe, or serious injury resulting from a fall during residential construction activities.

- 3) All proposed citations under this enforcement policy shall be submitted to the OSHA Regional Office to ensure consistency and clarity. For cases where the Regional Office needs interpretative assistance in its review, it shall consult with the National Office Directorate of Construction.

All of the measures described in this policy apply only to employers that are, at a minimum, following the old directive (STD 03-00-001). If the employer is not complying with either the new directive or the old directive, the Area Director shall issue appropriate citations.

As a resource, an OSHApedia page with examples of feasible fall protection for various scenarios can be accessed at <http://oshapedia.osha.gov/mediawiki/index.php/DOC> or by going to the DOC section from the OSHApedia home page.

ATTACHMENT 2



Jeffry Carter
Department of Labor

Residential Construction Fall Protection Program

OSHA Instruction: STD 03 11 002

September 29, 2011

On June 16th, 2011 IOSHA published a modification to the implementation schedule for the Residential Construction Fall Protection Program. That document modified certain timelines contained within OSHA Instruction STD 03-11-002.

IOSHA established a full compliance date of October 1, 2011. The document also encouraged employers to use various educational resources such as INSAFE to insure their programs were compliant with the new enforcement programs.

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Employers are encouraged to move quickly on acquisition of any required personal protective equipment and development and implementation of company policy that would support this program. IOSHA also believes there are sources other than INSAFE available that can provide technical assistance. Employers can obtain needed information and model programs from trade associations, safety contractors, and many manufacturers.

Questions concerning this directive should be addressed to:

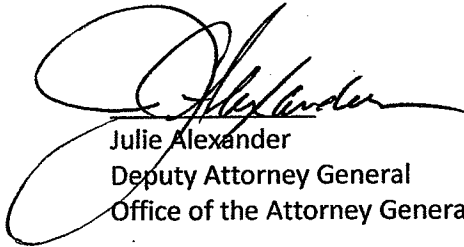
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Phone: 317.232.2688
Email: INSafe@dol.in.gov



Jeffry Carter
Deputy Commissioner
Department of Labor



Julie Alexander
Deputy Attorney General
Office of the Attorney General

Attachments:

1. June 16th IOSHA memo
2. September 22, 2011 Memo from K. Locey

Other References:

1. OSHA.gov



ATTACHMENT 3



Jeffry Carter
Department of Labor

Residential Fall Protection Program STD 03-11-002 June 16, 2011

In late 2010, Federal OSHA issued revised fall-protection guidelines that were to become effective June 16, 2011. However, federal OSHA recently changed the timeline, making full compliance with these new guidelines due Sept. 16, 2011. Please refer to www.osha.gov for additional information on Fall Protection Requirements for Residential Construction.

Indiana OSHA will commence full enforcement of the directive Oct 1, 2011.

During the interim period until that date, construction employers need to be in compliance with the original fall protection guidelines. No citation will be issued for fall protection if the employers are practicing one of the following safety methods:

1. Using conventional fall protection
2. Having a well-developed and working fall-protection plan
3. Are in full compliance with the previously existing fall-protection guidelines

During the interim period, employers are encouraged to work with workplace safety consultants, trade associations, or INSafe to ensure their fall-protection plans are effective and in compliance.

For available resources, please visit www.dol.in.gov or www.OSHA.gov, then click on the link labeled Residential Fall Protection.

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6.16.2011



September 22, 2011

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FROM: 
DAVID MICHAELS, PhD, MPH

SUBJECT: Residential Construction Fall Protection

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