



VOSH PROGRAM DIRECTIVE: 02-390B

ISSUED: 15 June 2011

Subject **Compliance Guidance for Residential Construction**

Purpose This Directive transmits to field personnel new compliance guidance on fall protection for certain residential construction activities and cancels the interim enforcement policy. It clarifies federal OSHA’s citation policy with regard to the requirement that employers engaged in residential construction demonstrate the infeasibility of required fall protection systems, or that such systems create a greater hazard, prior to implementing alternative measures under §§1926.501 (b)(13) and 1926.502 (k). It also clarifies federal OSHA’s enforcement policy regarding the requirements in §1926.502 (k) that fall protection plans, when used, be written and site-specific.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope This Directive applies to all VOSH personnel, and specifically to Occupational Safety Compliance and Consultation Services personnel.

Reference OSHA Instruction STD 03-11-002 (December 16, 2010)

Cancellation VOSH Program Directive 02-390A (June 1, 2011)

Action Directors and Managers shall ensure that the guidelines in this Directive are followed for the uniform compliance of the fall protection policy for residential construction.

Effective Date 01 July 2011

Courtney M. Malveaux
Commissioner

Distribution: Commissioner of Labor & Industry
Assistant Commissioner - Programs
VOSH Directors & Managers
Legal Support & IMIS Staffs

Cooperative Programs Director & Manager
VOSH Compliance & Cooperative Programs Staffs
OSHA Regional III & Norfolk Area Offices

Attachment: OSHA Instruction STD 03-11-002 (December 16, 2010) or refer to:
http://osha.gov/OshDoc/Directive_pdf/STD_03-11-002.pdf

Phase-in Period

This Directive calls for all residential construction employers to comply with §1926.501(b)(13). Like federal OSHA, there will be a phase-in period to provide employers with the additional time and flexibility they need to alter their work practices in accordance with the requirements of the new Directive. As long as employers remain in compliance with the old Directive during the phase-in period, which runs from July 1 through September 15, they will not face VOSH citations. This phase-in period, which ends concurrently with that of federal OSHA, allows VOSH to provide the residential construction industry with greater opportunity to successfully come into compliance with the new Directive.

Until September 15, VOSH will issue letters to those employers found not in compliance with the new Directive to outline how they can comply or implement a written fall protection plan. Citations may be issued if a subsequent inspection finds the employer fails to apply the fall protection measures as outlined in the hazard alert letter. If employers do not meet the requirements set in the old Directive, VOSH will issue citations.

Term Equivalents

When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
OSHA	VOSH
Federal Agency	State Agency
Agency	Department
Regional Administrator	Commissioner of Labor and Industry
Area Director	Regional Director or VOSH Program Director
Regional Solicitor	Attorney General or VOSH Office of Legal Support (DLS)
Office of Statistics	VOSH Research and Analysis
29 CFR	VOSH Standard
Compliance Safety & Health Officer	CSHO
Industrial Hygienist	CSHO
<i>OSHA Directives or Instructions</i>	<i>VOSH Program Directives:</i>
OSHA Field Operations Manual (FOM)	VOSH Field Operations Manual (FOM)
CPL 02-00-111, Citation Policy for Paperwork and Written Program Requirement Violations (11/27/95)	VOSH Program Directive 01-009A (Citation Policy for Paperwork and Written Program Violation, (10/15/07)

Sample Hazard Alert Letter

[Date]

[Manager's Name]

[Manager's Title]

[Company Name]

[Mailing Street Address]

[City, State Zip]

Dear Mr./Ms. [Manager's Name]: _____

Re: VOSH Inspection Number: _____

On [Date] , the Virginia Occupational Safety and Health (VOSH) Program of the Virginia Department of Labor and Industry initiated an inspection at your work site located at [Inspection Address].

The VOSH Compliance Officer, at the time of the inspection, observed a company practice which has the potential to adversely impact worker safety and health. It was discovered that your company was not using conventional fall protection systems, such as guardrail systems, safety net systems, or a personal fall arrest system while *(SELECT THE APPROPRIATE SCENARIO - performing foundation formwork / installing floor joists and sheathing / setting and bracing trusses / erecting exterior walls / installing roof sheathing / working in attics / rafter framing of roofing systems).*

Our review of the work activity indicates that feasible and acceptable methods of conventional fall protection systems or other work methods are available to assure worker protection.

The VOSH standard (contained in Subpart M) that addresses the fall hazards for residential construction activities is 1926.501(b)(13). It should be noted that the standard may be cited if hazards are present in the future.

Pursuant to the requirements of the initial phase-in period which ends September 15, for this new standard, we are notifying you of the residential fall hazard that was documented during the inspection of your workplace and are providing you with information on possible methods to eliminate or reduce your worker's risk of injury and illness:

* [Option 1]

* [Option 2]

* [Option 3]

Please visit http://www.osha.gov/doc/residential_fall_protection.html for additional information on fall protections systems. OSHA has developed a guidance document and a Power Point presentation for employers to utilize in determining potential systems that can be used.

You may also wish to contact the VOSH Consultation program at 804.786.6613 for additional assistance. If you have any questions, please feel free to call me at *[Office Phone Number]*.

Sincerely,

[Name]

Regional Director

Input for Hazard Alert Letter

Foundation and formwork:

- Establish work procedures and rules, which include proper enforcement, to eliminate worker exposure to fall hazards while walking/working six feet or more above lower levels.
- Incorporate the use of scaffold and bracket systems at the working level to protect workers from fall hazards while performing this task.
- Incorporate the use of guardrail systems to protect workers from fall hazards presented while working/walking in areas where this task is performed.

Floor joist installation and decking/sheathing:

- Establish work procedures and rules, which include proper enforcement, to eliminate worker exposure to fall hazards while walking/working six feet or more above lower levels.
- Incorporate the use of scaffold and rolling scaffold systems to protect workers from fall hazards while performing this task.
- Incorporate the use of ladders (A-frame and platform) to protect workers from fall hazards while performing this task.
- Incorporate the use of personal fall protection systems to protect workers from fall hazards while performing this task.

Erecting exterior wall:

- Establish work procedures and rules, which include proper enforcement, to eliminate worker exposure to fall hazards while walking/working six feet or more above lower levels.
- Incorporate the use of guardrail systems around the walking/working surface to protect workers from fall hazards while performing this task.
- Incorporate the use of personal fall protection systems to protect workers from fall hazards while performing this task.

Setting and bracing roof trusses and stick framing roof systems:

- Establish work procedures and rules, which include proper enforcement, to eliminate worker exposure to fall hazards while walking/working six feet or more above lower levels.
- Incorporate the use of scaffold, bracket scaffold, and rolling scaffold systems to protect workers from fall hazards associated with this task.
- Incorporate the use of ladders (A-frame and platform) to protect workers from fall hazards while performing this task.
- Incorporate pre-fabricating groups of trusses on the ground and hoisting them into place to protect workers from fall hazards while performing this task.
- Incorporate the use of personal fall protection systems to protect workers from fall hazards while performing this task.

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