

State of Arizona
Senate
Fifty-first Legislature
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2014

SENATE BILL 1307

AN ACT

AMENDING SECTIONS 23-492, 23-492.02, 23-492.04, 23-492.05, 23-492.07 AND 23-492.08, ARIZONA REVISED STATUTES; RELATING TO FALL PROTECTION FOR RESIDENTIAL CONSTRUCTION; PROVIDING FOR CONDITIONAL REPEAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-492, Arizona Revised Statutes, is amended to
3 read:

4 23-492. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Access" means a means of reaching a work space or area.

7 2. "Competent person" means a person who is capable of identifying
8 existing and predictable hazards in the surroundings or working conditions
9 that are unsanitary, hazardous or dangerous to employees and who has
10 authorization to take prompt corrective measures to eliminate the hazards.

11 3. "Construction work" means work activities consisting of
12 construction, alteration, repair, painting or decorating.

13 4. "Controlled access zone" means ~~a work~~ AN area ~~that does not~~ IN
14 WHICH WORK MAY TAKE PLACE WITHOUT THE use OF guardrails, personal fall arrest
15 systems or safety nets AND ACCESS TO THE AREA IS CONTROLLED.

16 5. "Grade" ~~or "adjacent ground elevation"~~ means the lowest point of
17 elevation of the finished surface of the ground, paving or sidewalk that is
18 within the area between the building and the property line, or when the
19 property line is more than five feet from the building, between the building
20 and a line five feet from the building.

21 6. "GREATER HAZARD" MEANS THAT THE HAZARDS INVOLVED IN RIGGING AND
22 INSTALLING THE SAFETY DEVICES REQUIRED BY THIS ARTICLE EQUAL OR EXCEED THE
23 HAZARDS INVOLVED IN THE ACTUAL CONSTRUCTION. GREATER HAZARD INCLUDES WHERE
24 THE WORK IS A NONREPETITIVE TASK THAT REQUIRES THIRTY MINUTES OR LESS TO
25 COMPLETE IF ADEQUATE RISK CONTROL IS RECOGNIZED AND THE WORK IS COMPLETED
26 UNDER IMMEDIATE, COMPETENT SUPERVISION.

27 ~~6-~~ 7. "Guardrail" or "railing" means a barrier that consists of a top
28 rail and a midrail that is secured to uprights and erected along the exposed
29 sides and ends of a platform.

30 ~~7-~~ 8. "Hole" means any opening in a floor ~~platform~~, ROOF OR OTHER
31 WALKING OR WORKING SURFACE that is smaller than an opening.

32 ~~8-~~ 9. "Infeasible" ~~means~~ INCLUDES WHERE the building or structure
33 cannot support the required load for personal fall protection systems, fall
34 clearances are inadequate for properly installed personal fall protection
35 systems, personal fall protection systems cannot be installed according to
36 the manufacturer's installation instructions or in compliance with the
37 occupational safety and health construction standards, 29 Code of Federal
38 Regulations section 1926 and adopted by the division, or the use of personal
39 fall protection systems renders it impossible to perform necessary work
40 operations.

41 ~~9-~~ 10. "Leading edge" means the edge of a floor, roof or form work
42 for a floor or other walking or working surface that changes location as
43 additional floor, roof, decking or form work sections are placed, formed or
44 constructed. A leading edge is considered to be an unprotected side and edge

1 during periods when the leading edge is not actively and continuously under
2 construction.

3 ~~10.~~ 11. "Lower levels" means the areas or surfaces to which an
4 employee can fall, including ground levels, floors, platforms, ramps,
5 runways, excavations, pits, tanks, material, water, equipment, structures or
6 any portions of these areas or surfaces.

7 ~~11.~~ 12. "Lumber" means douglas fir or an equivalent that has been
8 graded under standards as high as those followed by the west coast lumber
9 inspection bureau or by the western wood products association as suitable for
10 a bending stress of one thousand five hundred pounds per square inch.

11 ~~12.~~ 13. "Opening" means an opening in any floor ~~platform,~~ ROOF OR
12 OTHER WALKING OR WORKING SURFACE, twelve inches or more in the least
13 horizontal dimension, including stairway floor openings, ladderway floor
14 openings, hatchways and chute floor openings.

15 ~~13.~~ 14. "Personal fall arrest system" means a system that is used to
16 arrest an employee in a fall from a working level and consists of an
17 anchorage, connectors or body harness and may include a lanyard, deceleration
18 device, lifeline or a suitable combination. The use of a body belt for fall
19 arrest is prohibited.

20 ~~14.~~ 15. "Personal fall protection system" includes personal fall
21 arrest systems, positioning device systems, PERSONAL fall restraint systems,
22 safety nets and guardrails.

23 ~~15.~~ 16. "Personal fall restraint system" means a system that is used
24 to prevent an employee from falling and consists of anchorages, connectors
25 and a body belt or body harness. Personal fall restraint system may include
26 lanyards, lifelines or rope grabs that are designed for this purpose.

27 ~~16.~~ 17. "Positioning device system" means a body belt or body harness
28 system that is rigged to allow an employee to be supported on an elevated
29 surface such as a wall and work with both hands free while leaning.

30 ~~17.~~ 18. "Qualified person" means a person who is designated by the
31 employer AND who by POSSESSION OF A RECOGNIZED DEGREE, CERTIFICATE OR
32 PROFESSIONAL STANDING OR WHO BY EXTENSIVE KNOWLEDGE, training, AND
33 experience ~~or instruction~~ has SUCCESSFULLY demonstrated the ability to safely
34 perform all assigned duties ~~and, if required, is properly licensed in~~
35 ~~accordance with federal, state or local laws, rules and regulations.~~

36 ~~18.~~ 19. "Residential construction" means construction work where the
37 end use of the structure being built is as a dwelling and is constructed
38 using traditional wood frame construction materials and methods.

39 ~~19.~~ 20. "Roof slope" means the incline angle of a roof surface, given
40 as a ratio of the vertical rise to the horizontal run.

41 ~~20. "Runway" means an elevated passageway.~~

42 21. "Safety belt" means a device that is specifically used for the
43 purpose of securing, suspending or retrieving a worker in or from a hazardous
44 work area.

1 22. "Safety monitoring system" means a safety system in which a
2 competent person is responsible for recognizing and warning employees of fall
3 hazards.

4 ~~23. "Story" means that portion of a building, including between the~~
5 ~~upper surface of any floor and the upper surface of the floor next above,~~
6 ~~except that the topmost story shall be that portion of a building included~~
7 ~~between the upper surface of the topmost floor and the ceiling or roof above.~~
8 ~~"Story" includes the finished floor level directly above a basement, cellar~~
9 ~~or unused underfloor space that is more than six feet above grade for more~~
10 ~~than fifty per cent of the total perimeter or is more than twelve feet above~~
11 ~~the grade of such basement, cellar or unused underfloor space.~~

12 24. 23. "Structure" means an edifice or building of any kind that is
13 built or constructed or any piece of work that is artificially built up or
14 composed of parts joined together in some definite manner.

15 ~~25.~~ 24. "Toeboard" means a barrier that is secured along the sides and
16 ends of a platform at the platform level AND THAT IS used to guard against
17 the falling of material.

18 ~~26.~~ 25. "Unprotected sides and edges" means any side or edge, except
19 at entrances to points of access of a walking or working surface, including a
20 floor, roof, ramp or runway where there is no wall or standard guardrail or
21 protection provided.

22 ~~27.~~ 26. "Wall opening" means a gap or void thirty inches or more high
23 and eighteen inches or more wide that is in a wall or partition through which
24 employees can fall to a lower level.

25 Sec. 2. Section 23-492.02, Arizona Revised Statutes, is amended to
26 read:

27 23-492.02. Residential construction fall protection: exception

28 A. AN EMPLOYER MUST PROVIDE FALL PROTECTION AS PRESCRIBED BY THIS
29 ARTICLE FOR EVERY EMPLOYEE WHO ENGAGES IN RESIDENTIAL CONSTRUCTION ACTIVITIES
30 SIX FEET OR MORE ABOVE LOWER LEVELS. Each employee who is engaged in
31 residential construction activities fifteen feet or more above lower levels
32 shall be protected by personal fall protection systems, unless otherwise
33 provided in this article. If the employer demonstrates that it is infeasible
34 or creates a greater hazard to use ~~these~~ PERSONAL FALL PROTECTION systems,
35 the employer shall develop and implement a fall protection plan that meets
36 the requirements of section 23-492.07.

37 ~~B. If the work is of short duration and nonrepetitive and is of~~
38 ~~limited exposure and the hazards involved in rigging and installing the~~
39 ~~safety devices required by this article equals or exceeds the hazards~~
40 ~~involved in the actual construction, these provisions may be temporarily~~
41 ~~suspended if adequate risk control is recognized and maintained under~~
42 ~~immediate, competent supervision.~~

43 ~~C.~~ B. No building structure, or part thereof, or any temporary
44 support or scaffolding in connection therewith shall be subjected to any load
45 beyond its design load strength, unless the employer determines, based on

1 information received from a qualified person who is experienced in structural
2 design, that the structure or portion of the structure is capable of safely
3 supporting the load. For the purpose of this subsection, "design load
4 strength" means the load bearing capacity of a structural member computed on
5 the basis of the allowable stress that is assumed in the design.

6 C. THIS ARTICLE DOES NOT APPLY WHEN AN EMPLOYEE IS MAKING AN
7 INSPECTION, INVESTIGATION OR ASSESSMENT OF WORKPLACE CONDITIONS BEFORE THE
8 START OF ACTUAL CONSTRUCTION WORK OR AFTER ALL CONSTRUCTION WORK HAS BEEN
9 COMPLETED AS PROVIDED IN 29 CODE OF FEDERAL REGULATIONS SECTION
10 1926.500(a)(1).

11 Sec. 3. Section 23-492.04, Arizona Revised Statutes, is amended to
12 read:

13 23-492.04. Wood and light gage steel frame residential
14 construction; application; definitions

15 A. This section applies to work directly associated with the framing
16 of new residential buildings or structures using the operations, methods and
17 procedures associated with residential-type framing activities, including
18 joists or trusses resting on stud walls and work performed in the interior of
19 the buildings or structures.

20 B. Before manually raising framed walls that are fifteen feet or more
21 in height, temporary restraints such as cleats on the foundation or floor
22 system or straps on the wall bottom plate shall be installed to prevent
23 inadvertent horizontal sliding or uplift of the framed wall bottom plate.
24 Anchor bolts alone shall not be used for blocking or bracing when raising
25 framed walls fifteen feet or more in height.

26 C. EMPLOYERS MAY NOT PERMIT employees ~~shall not~~ TO work from or walk
27 on top plates, joists, rafters, trusses, beams or other structural members
28 until they are securely braced and supported.

29 ~~D. If employees are walking or working on top plates, joists, rafters,~~
30 ~~trusses, beams or other similar structural members over fifteen feet above~~
31 ~~the surrounding grade or lower level below, fall protection shall be provided~~
32 ~~by scaffolding, personal fall protection systems or by other means prescribed~~
33 ~~by this article, except:~~

34 ~~1. D. If employees are~~ AN EMPLOYEE IS walking or working on securely
35 braced joists, rafters or roof trusses ~~on center spacing not exceeding~~
36 ~~twenty-four inches and~~ more than six feet from an unprotected side or edge,
37 AND LESS THAN FIFTEEN FEET ABOVE THE SURROUNDING GRADE OR LOWER LEVEL BELOW,
38 the ~~employees~~ EMPLOYEE shall be considered protected from falls between the
39 joists, rafters and roof trusses IF THE JOISTS, RAFTERS OR ROOF TRUSSES ARE
40 ON CENTER SPACING NOT EXCEEDING TWENTY-FOUR INCHES.

41 ~~2. If installing floor joists, employees shall be considered protected~~
42 ~~from falls up to and including fifteen feet above the surrounding grade or~~
43 ~~floor level below when standing on or working from joists laid on their side~~
44 ~~on the top plate on center spacing not exceeding twenty-four inches if~~

1 ~~walking or working within twenty four inches of the top plate or other~~
2 ~~structural support.~~

3 E. If a truss support plate is used during the installation of
4 trusses, the truss support plate shall be constructed of a two-inch by
5 six-inch plank laid flat that is secured lineally to a two-inch by six-inch
6 plank laid on edge and supported with two-inch by four-inch wood members that
7 are spaced no more than six feet on center and attached to diagonal bracing
8 adequately secured to support its intended load. All material dimensions are
9 minimum and nominal.

10 F. If working on floors and other walking or working surfaces that
11 will later be enclosed by framed exterior walls, employees directly involved
12 with the layout and construction of framed stud walls shall be protected from
13 falling by standard guardrails pursuant to section 23-492.06 around all
14 unprotected sides ~~or~~ AND edges, or by other means prescribed by this article,
15 if the floor or walking or working surface is over fifteen feet above the
16 surrounding grade or floor level below.

17 G. The following ~~applies~~ APPLY when installing starter board, roof
18 sheathing and fascia board:

19 1. Employees shall be protected from falling by scaffolding,
20 guardrails, personal fall protection systems or other means prescribed by
21 this article, ~~as follows:~~

22 ~~(a) for structures greater than one story in height~~ where the fall
23 height exceeds fifteen feet above the surrounding grade or floor level below.

24 ~~(b) If EMPLOYERS SHALL REQUIRE EMPLOYEES working on a roof that is~~
25 ~~sloped greater than 7:12, except for a roof that is sloped up to 12:12, slide~~
26 ~~guards may be used as fall protection up to and including fifteen feet as~~
27 ~~measured from the eaves to the surrounding grade or lower level below~~ TO
28 COMPLY WITH SECTION 23-492.05.

29 2. Employees who work inside the gable end truss or rafter shall be
30 considered protected from falls where the gable end truss has been installed
31 and braced to withstand a lateral force of two hundred pounds and the
32 employee installs fascia or starter board working from within the gable end
33 truss or rafter.

34 ~~3. If work must be performed outside the gable end truss or rafter,~~
35 ~~the employee shall be protected from falling by scaffolding or a personal~~
36 ~~fall protection system or other means prescribed by this article, except that~~
37 ~~if the work is of short duration and limited exposure and the hazards~~
38 ~~involved in rigging and installing the safety devices require equal or exceed~~
39 ~~the hazards involved in the actual construction, these provisions may be~~
40 ~~temporarily suspended provided the work is performed by a qualified person.~~

41 H. Wall openings shall be guarded pursuant to section 23-492.03. The
42 guardrail may be removed immediately before installing the window components
43 if removal of the guardrail is necessary to install the window.

44 I. If scaffolding is used, it shall be constructed pursuant to 29 Code
45 of Federal Regulations section 1926, subpart L. If scaffolds are installed

1 parallel and adjacent to framed structure walls, the interior railing may be
2 omitted for installation of floor joists, rafters or trusses if the scaffold
3 platform is fifteen feet or less from the interior floor level below and the
4 top plate is higher than the adjacent work platform. If scaffolding is used
5 as an edge protection platform:

6 1. The platform shall not be more than two feet vertically below the
7 top plate and the platform shall be fully planked.

8 2. The distance between the inboard edge of the platform and the
9 building or structure wall shall not be more than sixteen inches.

10 3. A toeboard that is two-inch by six-inch or larger shall be secured
11 on edge parallel to the outer rail.

12 J. Scaffolds shall be secured in tension and compression to the
13 structure at or near the top of the scaffold at each end and at every other
14 frame not to exceed twenty-foot intervals.

15 K. Guardrailings shall extend not less than forty-two inches
16 vertically above the eaves if the outboard edge of the platform extends less
17 than twelve inches horizontally beyond the eaves.

18 L. EMPLOYERS SHALL TRAIN ALL employees who are exposed to fall hazards
19 ~~shall be trained~~ pursuant to section 23-492.09 to recognize fall hazards
20 associated with the erection and construction activities and trained to
21 minimize these hazards. ~~Such~~ EMPLOYERS SHALL DOCUMENT THE training ~~shall be~~
22 ~~documented~~ pursuant to section 23-492.09.

23 M. If the employer demonstrates that it is infeasible or creates a
24 greater hazard to use these systems, the employer shall develop and implement
25 a fall protection plan that meets the requirements of section 23-492.07.

26 N. For the purposes of this section:

27 1. "Bottom plate" or "sole plate" means the bottom horizontal member
28 of a frame wall.

29 2. "Eaves" means the lowest edge of a sloped roof.

30 3. "Fascia board" means the exterior trim board at the perimeter of
31 the roof.

32 4. "Joist" means one of a series of parallel beams used to create a
33 structural support system for a floor deck or flat roof onto which sheathing
34 is fastened.

35 5. "Nominal size" means the commercial size designation of a standard
36 width and depth of standardized sawn lumber and glue laminated lumber grades,
37 larger than the standard actual net size of the finished, dressed lumber.
38 ~~"Nominal size"~~ includes an approximate rough-cut dimension assigned to a
39 piece of material as a convenience in referencing to the piece.

40 6. "Rafter" means one of a series of structural members of a roof that
41 is designed to support roof loads. ~~"Rafter"~~ includes:

42 (a) A framing member that runs up and down the slope of a pitched
43 roof.

44 (b) The beams that slope from the ridge of a roof to the eaves and
45 make up the main body of the roof's framework.

1 (c) Roof joists for the rafters of a flat roof.

2 7. "Sheathing" means the structural panel covering that is fastened to
3 studs, floor joists, rafters or trusses.

4 ~~8. "Slide guard" means a two inch nominal cleat, on centers not to~~
5 ~~exceed four feet, that is securely fastened to the roof sheathing to provide~~
6 ~~footing on a sloped roof.~~

7 ~~9.~~ 8. "Starter board" means the board-type sheathing material that is
8 installed at eaves and gable ends in the plane of the sheathing and visible
9 from the underside.

10 ~~10.~~ 9. "Stud" ~~or "wall stud"~~ means a vertical framing member in walls
11 and partitions that are attached to the horizontal sole plate below and the
12 top plate above.

13 ~~11.~~ 10. "Top plate" means the top horizontal member of a frame wall
14 supporting ceiling joists, rafters or other structural members.

15 ~~12.~~ 11. "Truss" means the prefabricated structural roof unit that
16 consists of triangular bracing or truss web between the ceiling joist or
17 bottom chord and the roof rafter or top chord commonly installed parallel
18 with other trusses to create a structural support system for a roof after
19 which sheathing is fastened. The bottom chord often serves as a ceiling
20 joist. Each member is usually subjected to longitudinal stress only, either
21 tension or compression.

22 ~~13.~~ 12. "Truss support plate" means a temporary support structure that
23 is erected near mid-span of an area with a large open span, such as a garage,
24 to support trusses during installation.

25 Sec. 4. Section 23-492.05, Arizona Revised Statutes, is amended to
26 read:

27 23-492.05. Roofing operations and equipment: applicability

28 A. Employees shall be protected from falling when on a roof surface
29 where the eave height exceeds fifteen feet above the grade or level below and
30 the roof slope is not steeper than 4:12 by use of one of any combination of
31 personal fall protection systems, catch platforms, scaffold platforms, eave
32 barriers, ~~roof jack systems, safety monitoring systems~~ or parapets at least
33 twenty-four inches high OR A SAFETY MONITORING SYSTEM AS ALLOWED BY 29 CODE
34 OF FEDERAL REGULATIONS SECTION 1926.501(b)(10).

35 B. Employees shall be protected from falling when on a roof surface
36 where the eave height exceeds fifteen feet above the grade or level below and
37 the roof slope is steeper than 4:12 but not steeper than 7:12 by use of one
38 or any combination of personal fall protection systems, catch platforms,
39 scaffold platforms, eave barriers, ~~roof jack systems~~ or parapets at least
40 twenty-four inches high.

41 C. Employees shall be protected from falling when on a roof surface
42 steeper than 7:12 by personal fall protection systems, catch platforms or
43 scaffold platforms, regardless of the height of the roof.

1 D. If a personal fall protection system is used to comply with this
2 section, the system shall be installed and used pursuant to section
3 23-492.06.

4 E. If catch platforms are used to comply with this section, they shall
5 be installed in close proximity below the eaves below roof work areas, extend
6 at least two feet horizontally beyond the projection of the eaves and be
7 provided with standard railings and toeboards pursuant to section 23-492.06.
8 Catch platforms shall be fully planked.

9 F. If built-up scaffold platforms are used to comply with this
10 section, they shall be installed and maintained pursuant to 29 Code of
11 Federal Regulations section 1926, subpart L. Fully planked platforms shall
12 be provided near the eave level.

13 G. If eave barriers are used to comply with this section, the barrier,
14 unless of solid construction, shall comply with section 23-492.06. The
15 barrier system shall be securely anchored at eave level or supported by ropes
16 securely tied to substantial anchorages on the roof. If the barrier system
17 is to be moved from one work area to another, employees performing the moving
18 operations shall be protected by the use of safety belts and lines.

19 ~~H. If a roof jack system is used to comply with this section, the roof
20 jacks shall be constructed to fit the slope of the roof and be designed,
21 fabricated and installed in such a manner that they will sustain all expected
22 loads. The supported plank shall be positioned at some angle from
23 perpendicular to the roof to horizontal. Intervals or spans between roof
24 jacks shall not exceed ten feet. If roof supports are used they shall
25 consist of first grade manila rope of at least three fourths inch diameter or
26 other material of equivalent strength. Wooden supporting members that span
27 between roof jacks shall be selected lumber or equivalent and be of at least
28 two inch by six inch material. Where supporting members other than wood are
29 used they shall be of at least the equivalent strength. Wooden supporting
30 members that span between roof jacks shall be selected lumber or equivalent
31 and be of at least two inch by six inch material. Where supporting members
32 other than wood are used they shall be of at least equivalent strength.~~

33 ~~I.~~ H. If a safety monitoring system is used to comply with this
34 section, the system must be installed and used pursuant to section 23-492.08
35 and used in combination with a warning line system. On roofs fifty feet or
36 less in width, the use of a safety monitoring system without a warning line
37 system is permitted.

38 ~~J.~~ I. For THE purposes of this section, the height measurement shall
39 be determined by measuring the vertical distance from the lowest edge of the
40 roof or eaves to the ground or level below. The height of parapets shall not
41 be included in the roof height measurements.

42 ~~K.~~ J. In addition to the training required under section 23-492.09,
43 EMPLOYERS SHALL TRAIN each affected employee ~~shall be trained~~ to ensure
44 specific awareness of the fall hazards associated with roofing work,
45 including:

- 1 1. Work on or near gable ends.
- 2 2. Slipping hazards.
- 3 3. Roof holes and openings.
- 4 4. Skylights.
- 5 5. Work on ladders and scaffolds.
- 6 6. Access to roof.
- 7 7. Placement and location of materials on roof.
- 8 8. Care and use of fall protection systems.

9 ~~K.~~ K. Documentation of employee training shall be maintained as
10 required by 29 Code of Federal Regulations section 1926.503.

11 ~~M.~~ L. If the employer demonstrates that it is infeasible or creates a
12 greater hazard to use these systems, the employer shall develop and implement
13 a fall protection plan that meets the requirements of section 23-492.07.

14 ~~N.~~ M. This section applies to roofing work on new residential
15 construction sites, reroofing operations, roofing replacements, additions on
16 existing dwelling units and installation, replacement and repair of solar
17 equipment.

18 Sec. 5. Section 23-492.07, Arizona Revised Statutes, is amended to
19 read:

20 23-492.07. Fall protection plan; applicability

21 A. Every employer ~~engaged~~ WHOSE EMPLOYEES ENGAGE in residential
22 construction activities SIX FEET OR MORE ABOVE LOWER LEVELS shall prepare and
23 implement a written fall protection plan which reduces or eliminates fall
24 hazards for employees engaged in residential construction activities six feet
25 or more above lower levels as follows:

26 1. The employer may develop a single fall protection plan covering all
27 construction operations. The fall protection plan shall be prepared by a
28 qualified person and the plan must be maintained up to date. The plan shall
29 document the identity of the qualified person.

30 2. Any changes to the fall protection plan shall be approved by the
31 qualified person. The identity of the qualified person shall be documented.

32 3. A copy of the fall protection plan with all approved changes shall
33 be maintained at the job site.

34 4. The implementation of the fall protection plan shall be under the
35 supervision of a competent person. The plan shall document the identity of
36 the competent person.

37 5. The fall protection plan shall identify all fall hazards six feet
38 or more above lower levels. IF A WORKSITE HAS A FALL HAZARD THAT IS NOT
39 COVERED IN THE WRITTEN FALL PROTECTION PLAN, THE QUALIFIED PERSON SHALL
40 DEVELOP A SUPPLEMENT TO THE WRITTEN FALL PROTECTION PLAN TO COVER THE FALL
41 HAZARD.

42 6. The fall protection plan shall include a written discussion of all
43 measures that will be taken to reduce or eliminate the fall hazard for
44 workers exposed to fall hazards six feet or more above lower levels.

1 7. The fall protection plan shall identify each location that will be
2 classified as a controlled access zone and the employer shall comply with
3 section 23-492.08.

4 8. Where no alternative measures have been implemented, the employer
5 shall implement a safety monitoring system that complies with section
6 23-492.08.

7 9. The fall protection plan must include a statement providing the
8 name or other method of identification for each employee who is designated to
9 work in a controlled access zone. No other employees may enter controlled
10 access zones.

11 10. In the event an employee falls, or some other related serious
12 incident occurs such as a near miss **OR AN ARRESTED FALL**, the employer shall
13 investigate the circumstances of the fall or other incident to determine if
14 the fall protection plan needs to be amended and shall implement those
15 changes to prevent similar types of falls or incidents.

16 B. In addition to the requirements in subsection **A** of this section,
17 when it can be shown that the use of personal fall protection systems to
18 protect employees working fifteen feet or more above lower levels is
19 infeasible or creates a greater hazard, the employer shall include in the
20 written fall protection plan the following:

21 1. The fall protection plan shall be prepared by a qualified person
22 and developed specifically for the site where the construction work is being
23 performed. The employer may develop a single site fall protection plan for
24 sites where the construction operations are essentially identical.

25 2. The fall protection plan shall document the reasons why the use of
26 personal fall protection systems is infeasible or creates a greater hazard.

27 3. The fall protection plan shall identify each location where
28 personal fall protection systems cannot be used. These locations shall then
29 be classified as controlled access zones and the employer must comply with
30 the provisions of section 23-492.08.

31 Sec. 6. Section 23-492.08, Arizona Revised Statutes, is amended to
32 read:

33 23-492.08. Controlled access zones and safety monitoring systems

34 A. If used to control access to areas where leading edge and other
35 operations are taking place, the controlled access zone shall be defined by a
36 control line or by other means that ~~restricts~~ **RESTRICT** access. Signs shall
37 be posted to warn unauthorized employees to stay out of the controlled access
38 zone.

39 B. The employer shall designate a competent person as a safety monitor
40 to monitor the safety of other employees. The employer shall ensure that the
41 safety monitor:

42 1. Is competent to recognize fall hazards.

43 2. Warns employees when it appears that the employees are unaware of a
44 fall hazard or are acting in an unsafe manner.

1 3. Is within visual sighting distance of employees and communicates
2 with the employees who are being monitored.

3 4. Does not have other responsibilities that could take the monitor's
4 attention away from the monitoring function.

5 C. EMPLOYERS SHALL PROHIBIT an employee, other than an employee
6 covered by a fall protection plan, ~~shall not be allowed in~~ FROM ENTERING an
7 area where any employee is being protected by a safety monitoring system.

8 D. EMPLOYERS SHALL REQUIRE each employee who works in a controlled
9 access zone ~~shall~~ TO comply with fall hazard warnings from safety monitors.

10 Sec. 7. Conditional repeal; notice

11 A. Title 23, chapter 2, article 13, Arizona Revised Statutes, is
12 repealed if the federal occupational safety and health administration
13 publishes in the federal register pursuant to 29 Code of Federal Regulations
14 section 1902.23 a final decision rendered under 29 Code of Federal
15 Regulations section 1902.22 and pursuant to 29 Code of Federal Regulations
16 section 1953 to reject the changes to this state's occupational safety and
17 health plan prescribed in section 23-492.01, Arizona Revised Statutes, and
18 that results in the exclusion of the changes from this state's federally
19 approved occupational safety and health plan.

20 B. The director of the industrial commission of Arizona shall notify
21 the director of the legislative council if the federal occupational safety
22 and health administration publishes the decision to reject described in
23 subsection A of this section.