

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

**CHAPTER 86**  
**SENATE BILL 1441**

AN ACT

AMENDING SECTION 23-408, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; RELATING TO FALL PROTECTION FOR RESIDENTIAL CONSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 23-408, Arizona Revised Statutes, is amended to  
3 read:

4 23-408. Inspection of places and practices of employment;  
5 employee initiation of investigation; violation;  
6 classification; injunction

7 A. The director of the division of occupational safety and health, or  
8 his authorized representative, upon presentation of credentials, shall be  
9 permitted to inspect places of employment, question employees, and  
10 investigate conditions, practices or matters in connection with employment  
11 subject to this article at reasonable times, as he may deem appropriate to  
12 determine whether any person has violated any provision of this article, or  
13 any rule or regulation issued thereunder or ~~which~~ THAT may aid in the  
14 enforcement of the provisions of this article. No employer or other person  
15 shall refuse to admit the director or his authorized representatives to any  
16 such place or refuse to permit any such inspection if the proper credentials  
17 are presented and the inspection is made at a reasonable time.

18 B. The director or his authorized representative shall inspect at  
19 least every six months any operation ~~which~~ THAT mixes rock, sand, gravel or  
20 similar materials with water and cement or with asphalt and ~~which~~ THAT is not  
21 included in the definition of mine in section 27-301. The director or his  
22 representative shall monitor and work with the mine inspector only to the  
23 extent necessary to ensure the state's compliance with federal occupational  
24 safety and health act standards, (P.L. 91-596).

25 C. Notice of an intended inspection shall not be given to an employer  
26 prior to the time of actual entry upon the workplace, except by specific  
27 authorization by the director.

28 D. A representative of the employer and a representative authorized by  
29 his employees shall be given an opportunity to accompany the director or his  
30 authorized representative during the physical inspection of any workplace for  
31 the purpose of aiding such inspection. Where there is no authorized employee  
32 representative, the director or his authorized representative shall consult a  
33 reasonable number of employees concerning matters of safety and health in the  
34 workplace.

35 E. Except as provided in section 23-426, information and facts  
36 developed by the commission, the director or any employee of the commission  
37 or division in the course of any inspection or investigation are public  
38 records subject to inspection pursuant to title 39, chapter 1, article 2, if,  
39 pursuant to section 23-415, subsection D, the inspection or investigation has  
40 been closed or a citation has been issued. Such information and facts shall  
41 not be admissible in any court or before any administrative body except  
42 pursuant to ~~the provisions of~~ this article. Notwithstanding ~~the provisions~~  
43 ~~of~~ this subsection, the director or any commission employee is not required  
44 to appear at any deposition, trial or hearing concerning a division  
45 inspection or investigation unless the appearance is related to a hearing

1 held pursuant to this article. Hearings held pursuant to this article are  
2 open to the public.

3 F. An employee or a representative of employees who believes that a  
4 violation of a safety or health standard or regulation exists that threatens  
5 physical harm or that an imminent danger exists may request an investigation  
6 by giving notice to the director or his authorized representative of such  
7 violation or danger. Any such notice shall be reduced to writing, shall set  
8 forth with reasonable particularity the grounds for the notice and shall be  
9 signed by the employees or representative of the employees. Upon the request  
10 of the employee giving such notice, his name and the names of other employees  
11 referred to therein shall not appear on any copy of such notice or any record  
12 published, released or made available. If upon receipt of such notification  
13 the director determines that there are reasonable grounds to believe that  
14 such violation or danger exists, he shall make an investigation in accordance  
15 with the provisions of this article as soon as practicable to determine if  
16 such violation or danger exists. If the director determines there are no  
17 reasonable grounds to believe that a violation or danger exists, he shall  
18 notify the employees or representative of the employees in writing of such a  
19 determination.

20 G. Any person who violates any provision of this section is guilty of  
21 a class 2 misdemeanor.

22 H. The commission, or its authorized representative, in addition to  
23 initiating an action under subsection F **OF THIS SECTION**, may file in the  
24 superior court in the county where the inspection was refused a verified  
25 complaint against an employer who violates subsection A **OF THIS SECTION** and  
26 request an injunction against continued refusal to permit an inspection.

27 Sec. 2. Title 23, chapter 2, Arizona Revised Statutes, is amended by  
28 adding article 13, to read:

29 ARTICLE 13. FALL PROTECTION FOR RESIDENTIAL CONSTRUCTION

30 23-492. Definitions

31 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

32 1. "ACCESS" MEANS A MEANS OF REACHING A WORK SPACE OR AREA.

33 2. "COMPETENT PERSON" MEANS A PERSON WHO IS CAPABLE OF IDENTIFYING  
34 EXISTING AND PREDICTABLE HAZARDS IN THE SURROUNDINGS OR WORKING CONDITIONS  
35 THAT ARE UNSANITARY, HAZARDOUS OR DANGEROUS TO EMPLOYEES AND WHO HAS  
36 AUTHORIZATION TO TAKE PROMPT CORRECTIVE MEASURES TO ELIMINATE THE HAZARDS.

37 3. "CONSTRUCTION WORK" MEANS WORK ACTIVITIES CONSISTING OF  
38 CONSTRUCTION, ALTERATION, REPAIR, PAINTING OR DECORATING.

39 4. "CONTROLLED ACCESS ZONE" MEANS A WORK AREA THAT DOES NOT USE  
40 GUARDRAILS, PERSONAL FALL ARREST SYSTEMS OR SAFETY NETS.

41 5. "GRADE" OR "ADJACENT GROUND ELEVATION" MEANS THE LOWEST POINT OF  
42 ELEVATION OF THE FINISHED SURFACE OF THE GROUND, PAVING OR SIDEWALK THAT IS  
43 WITHIN THE AREA BETWEEN THE BUILDING AND THE PROPERTY LINE, OR WHEN THE  
44 PROPERTY LINE IS MORE THAN FIVE FEET FROM THE BUILDING, BETWEEN THE BUILDING  
45 AND A LINE FIVE FEET FROM THE BUILDING.

1           6. "GUARDRAIL" OR "RAILING" MEANS A BARRIER THAT CONSISTS OF A TOP  
2 RAIL AND A MIDRAIL THAT IS SECURED TO UPRIGHTS AND ERECTED ALONG THE EXPOSED  
3 SIDES AND ENDS OF A PLATFORM.

4           7. "HOLE" MEANS ANY OPENING IN A FLOOR PLATFORM THAT IS SMALLER THAN  
5 AN OPENING.

6           8. "INFEASIBLE" MEANS THE BUILDING OR STRUCTURE CANNOT SUPPORT THE  
7 REQUIRED LOAD FOR PERSONAL FALL PROTECTION SYSTEMS, FALL CLEARANCES ARE  
8 INADEQUATE FOR PROPERLY INSTALLED PERSONAL FALL PROTECTION SYSTEMS, PERSONAL  
9 FALL PROTECTION SYSTEMS CANNOT BE INSTALLED ACCORDING TO THE MANUFACTURER'S  
10 INSTALLATION INSTRUCTIONS OR IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND  
11 HEALTH CONSTRUCTION STANDARDS, 29 CODE OF FEDERAL REGULATIONS SECTION 1926  
12 AND ADOPTED BY THE DIVISION, OR THE USE OF PERSONAL FALL PROTECTION SYSTEMS  
13 RENDERS IT IMPOSSIBLE TO PERFORM NECESSARY WORK OPERATIONS.

14           9. "LEADING EDGE" MEANS THE EDGE OF A FLOOR, ROOF OR FORM WORK FOR A  
15 FLOOR OR OTHER WALKING OR WORKING SURFACE THAT CHANGES LOCATION AS ADDITIONAL  
16 FLOOR, ROOF, DECKING OR FORM WORK SECTIONS ARE PLACED, FORMED OR CONSTRUCTED.  
17 A LEADING EDGE IS CONSIDERED TO BE AN UNPROTECTED SIDE AND EDGE DURING  
18 PERIODS WHEN THE LEADING EDGE IS NOT ACTIVELY AND CONTINUOUSLY UNDER  
19 CONSTRUCTION.

20           10. "LOWER LEVELS" MEANS THE AREAS OR SURFACES TO WHICH AN EMPLOYEE CAN  
21 FALL, INCLUDING GROUND LEVELS, FLOORS, PLATFORMS, RAMPS, RUNWAYS,  
22 EXCAVATIONS, PITS, TANKS, MATERIAL, WATER, EQUIPMENT, STRUCTURES OR ANY  
23 PORTIONS OF THESE AREAS OR SURFACES.

24           11. "LUMBER" MEANS DOUGLAS FIR OR AN EQUIVALENT THAT HAS BEEN GRADED  
25 UNDER STANDARDS AS HIGH AS THOSE FOLLOWED BY THE WEST COAST LUMBER INSPECTION  
26 BUREAU OR BY THE WESTERN WOOD PRODUCTS ASSOCIATION AS SUITABLE FOR A BENDING  
27 STRESS OF ONE THOUSAND FIVE HUNDRED POUNDS PER SQUARE INCH.

28           12. "OPENING" MEANS AN OPENING IN ANY FLOOR PLATFORM, TWELVE INCHES OR  
29 MORE IN THE LEAST HORIZONTAL DIMENSION, INCLUDING STAIRWAY FLOOR OPENINGS,  
30 LADDERWAY FLOOR OPENINGS, HATCHWAYS AND CHUTE FLOOR OPENINGS.

31           13. "PERSONAL FALL ARREST SYSTEM" MEANS A SYSTEM THAT IS USED TO ARREST  
32 AN EMPLOYEE IN A FALL FROM A WORKING LEVEL AND CONSISTS OF AN ANCHORAGE,  
33 CONNECTORS OR BODY HARNESS AND MAY INCLUDE A LANYARD, DECELERATION DEVICE,  
34 LIFELINE OR A SUITABLE COMBINATION. THE USE OF A BODY BELT FOR FALL ARREST  
35 IS PROHIBITED.

36           14. "PERSONAL FALL RESTRAINT SYSTEM" MEANS A SYSTEM THAT IS USED TO  
37 PREVENT AN EMPLOYEE FROM FALLING AND CONSISTS OF ANCHORAGES, CONNECTORS AND A  
38 BODY BELT OR BODY HARNESS. PERSONAL FALL RESTRAINT SYSTEM MAY INCLUDE  
39 LANYARDS, LIFELINES OR ROPE GRABS THAT ARE DESIGNED FOR THIS PURPOSE.

40           15. "PERSONAL FALL PROTECTION SYSTEM" INCLUDES PERSONAL FALL ARREST  
41 SYSTEMS, POSITIONING DEVICE SYSTEMS, FALL RESTRAINT SYSTEMS, SAFETY NETS AND  
42 GUARDRAILS.

43           16. "POSITIONING DEVICE SYSTEM" MEANS A BODY BELT OR BODY HARNESS  
44 SYSTEM THAT IS RIGGED TO ALLOW AN EMPLOYEE TO BE SUPPORTED ON AN ELEVATED  
45 SURFACE SUCH AS A WALL AND WORK WITH BOTH HANDS FREE WHILE LEANING.

1 17. "QUALIFIED PERSON" MEANS A PERSON WHO IS DESIGNATED BY THE EMPLOYER  
2 WHO BY TRAINING, EXPERIENCE OR INSTRUCTION HAS DEMONSTRATED THE ABILITY TO  
3 SAFELY PERFORM ALL ASSIGNED DUTIES AND, IF REQUIRED, IS PROPERLY LICENSED IN  
4 ACCORDANCE WITH FEDERAL, STATE OR LOCAL LAWS, RULES AND REGULATIONS.

5 18. "RESIDENTIAL CONSTRUCTION" MEANS CONSTRUCTION WORK WHERE THE END  
6 USE OF THE STRUCTURE BEING BUILT IS AS A DWELLING AND IS CONSTRUCTED USING  
7 TRADITIONAL WOOD FRAME CONSTRUCTION MATERIALS AND METHODS.

8 19. "ROOF SLOPE" MEANS THE INCLINE ANGLE OF A ROOF SURFACE, GIVEN AS A  
9 RATIO OF THE VERTICAL RISE TO THE HORIZONTAL RUN.

10 20. "RUNWAY" MEANS AN ELEVATED PASSAGEWAY.

11 21. "SAFETY BELT" MEANS A DEVICE THAT IS SPECIFICALLY USED FOR THE  
12 PURPOSE OF SECURING, SUSPENDING OR RETRIEVING A WORKER IN OR FROM A HAZARDOUS  
13 WORK AREA.

14 22. "SAFETY MONITORING SYSTEM" MEANS A SAFETY SYSTEM IN WHICH A  
15 COMPETENT PERSON IS RESPONSIBLE FOR RECOGNIZING AND WARNING EMPLOYEES OF FALL  
16 HAZARDS.

17 23. "STORY" MEANS THAT PORTION OF A BUILDING, INCLUDING BETWEEN THE  
18 UPPER SURFACE OF ANY FLOOR AND THE UPPER SURFACE OF THE FLOOR NEXT ABOVE,  
19 EXCEPT THAT THE TOPMOST STORY SHALL BE THAT PORTION OF A BUILDING INCLUDED  
20 BETWEEN THE UPPER SURFACE OF THE TOPMOST FLOOR AND THE CEILING OR ROOF ABOVE.  
21 "STORY" INCLUDES THE FINISHED FLOOR LEVEL DIRECTLY ABOVE A BASEMENT, CELLAR  
22 OR UNUSED UNDERFLOOR SPACE THAT IS MORE THAN SIX FEET ABOVE GRADE FOR MORE  
23 THAN FIFTY PER CENT OF THE TOTAL PERIMETER OR IS MORE THAN TWELVE FEET ABOVE  
24 THE GRADE OF SUCH BASEMENT, CELLAR OR UNUSED UNDERFLOOR SPACE.

25 24. "STRUCTURE" MEANS AN EDIFICE OR BUILDING OF ANY KIND THAT IS BUILT  
26 OR CONSTRUCTED OR ANY PIECE OF WORK THAT IS ARTIFICIALLY BUILT UP OR COMPOSED  
27 OF PARTS JOINED TOGETHER IN SOME DEFINITE MANNER.

28 25. "TOEBOARD" MEANS A BARRIER THAT IS SECURED ALONG THE SIDES AND ENDS  
29 OF A PLATFORM AT THE PLATFORM LEVEL USED TO GUARD AGAINST THE FALLING OF  
30 MATERIAL.

31 26. "UNPROTECTED SIDES AND EDGES" MEANS ANY SIDE OR EDGE, EXCEPT AT  
32 ENTRANCES TO POINTS OF ACCESS OF A WALKING OR WORKING SURFACE, INCLUDING A  
33 FLOOR, ROOF, RAMP OR RUNWAY WHERE THERE IS NO WALL OR STANDARD GUARDRAIL OR  
34 PROTECTION PROVIDED.

35 27. "WALL OPENING" MEANS A GAP OR VOID THIRTY INCHES OR MORE HIGH AND  
36 EIGHTEEN INCHES OR MORE WIDE THAT IS IN A WALL OR PARTITION THROUGH WHICH  
37 EMPLOYEES CAN FALL TO A LOWER LEVEL.

38 23-492.01. Applicability

39 A. WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, THE  
40 COMMISSION SHALL ADOPT, AND MAKE EFFECTIVE WITHIN THIRTY DAYS, PURSUANT TO  
41 SECTION 23-410, THIS ARTICLE AS PART OF THIS STATE'S OCCUPATIONAL SAFETY AND  
42 HEALTH PLAN UNDER 29 UNITED STATES CODE SECTION 667 FOR FALL PROTECTION ON  
43 RESIDENTIAL CONSTRUCTION SITES.

44 B. THE ADOPTION OF THE FALL PROTECTION STANDARD REQUIREMENTS UNDER  
45 THIS ARTICLE IS EXEMPT TITLE 41, CHAPTER 6.

1 C. ANY PROVISION OF THIS STATE'S OCCUPATIONAL SAFETY AND HEALTH PLAN  
2 THAT IS NOT OTHERWISE COVERED BY THIS ARTICLE REMAINS IN FORCE.

3 23-492.02. Residential construction fall protection

4 A. EACH EMPLOYEE WHO IS ENGAGED IN RESIDENTIAL CONSTRUCTION ACTIVITIES  
5 FIFTEEN FEET OR MORE ABOVE LOWER LEVELS SHALL BE PROTECTED BY PERSONAL FALL  
6 PROTECTION SYSTEMS, UNLESS OTHERWISE PROVIDED IN THIS ARTICLE. IF THE  
7 EMPLOYER DEMONSTRATES THAT IT IS INFEASIBLE OR CREATES A GREATER HAZARD TO  
8 USE THESE SYSTEMS, THE EMPLOYER SHALL DEVELOP AND IMPLEMENT A FALL PROTECTION  
9 PLAN THAT MEETS THE REQUIREMENTS OF SECTION 23-492.07.

10 B. IF THE WORK IS OF SHORT DURATION AND NON-REPETITIVE AND IS OF  
11 LIMITED EXPOSURE AND THE HAZARDS INVOLVED IN RIGGING AND INSTALLING THE  
12 SAFETY DEVICES REQUIRED BY THIS ARTICLE EQUALS OR EXCEEDS THE HAZARDS  
13 INVOLVED IN THE ACTUAL CONSTRUCTION, THESE PROVISIONS MAY BE TEMPORARILY  
14 SUSPENDED IF ADEQUATE RISK CONTROL IS RECOGNIZED AND MAINTAINED UNDER  
15 IMMEDIATE, COMPETENT SUPERVISION.

16 C. NO BUILDING STRUCTURE, OR PART THEREOF, OR ANY TEMPORARY SUPPORT OR  
17 SCAFFOLDING IN CONNECTION THEREWITH SHALL BE SUBJECTED TO ANY LOAD BEYOND ITS  
18 DESIGN LOAD STRENGTH, UNLESS THE EMPLOYER DETERMINES, BASED ON INFORMATION  
19 RECEIVED FROM A QUALIFIED PERSON WHO IS EXPERIENCED IN STRUCTURAL DESIGN,  
20 THAT THE STRUCTURE OR PORTION OF THE STRUCTURE IS CAPABLE OF SAFELY  
21 SUPPORTING THE LOAD. FOR THE PURPOSE OF THIS SUBSECTION, "DESIGN LOAD  
22 STRENGTH" MEANS THE LOAD BEARING CAPACITY OF A STRUCTURAL MEMBER COMPUTED ON  
23 THE BASIS OF THE ALLOWABLE STRESS THAT IS ASSUMED IN THE DESIGN.

24 23-492.03. Floor, roof and wall openings; guards

25 A. THIS SECTION APPLIES TO TEMPORARY OR EMERGENCY CONDITIONS WHERE  
26 THERE IS A DANGER OF EMPLOYEES OR MATERIALS FALLING THROUGH FLOOR, ROOF OR  
27 WALL OPENINGS OR FROM STAIRWAYS OR RUNWAYS.

28 B. FLOOR, ROOF AND SKYLIGHT OPENINGS SHALL BE GUARDED BY EITHER  
29 TEMPORARY RAILINGS AND TOEBOARDS OR BY COVERS. TEMPORARY RAILINGS AND  
30 TOEBOARDS SHALL MEET THE REQUIREMENTS OF SECTION 23-492.06. THE RAILING  
31 SHALL BE PROVIDED ON ALL EXPOSED SIDES, EXCEPT AT ENTRANCES TO STAIRWAYS.  
32 COVERS SHALL BE CAPABLE OF SAFELY SUPPORTING THE GREATER OF FOUR HUNDRED  
33 POUNDS OR TWICE THE WEIGHT OF THE EMPLOYEES, EQUIPMENT AND MATERIALS THAT MAY  
34 BE IMPOSED ON ANY ONE SQUARE FOOT AREA OF THE COVER AT ANY TIME. COVERS  
35 SHALL BE SECURED IN PLACE TO PREVENT ACCIDENTAL REMOVAL OR DISPLACEMENT AND  
36 SHALL BE A PRESSURE SENSITIZED, PAINTED OR STENCILED SIGN WITH LEGIBLE  
37 LETTERS NOT LESS THAN ONE INCH HIGH THAT STATES "OPENING - DO NOT REMOVE".  
38 MARKINGS OF CHALK OR KEEL SHALL NOT BE USED.

39 C. LADDERWAY FLOOR OPENINGS OR PLATFORMS SHALL BE GUARDED BY STANDARD  
40 RAILINGS WITH STANDARD TOEBOARDS ON ALL EXPOSED SIDES, EXCEPT AT THE ENTRANCE  
41 TO THE OPENING, WITH THE PASSAGE THROUGH THE RAILING EITHER PROVIDED WITH A  
42 SWINGING GATE OR SO OFFSET THAT A PERSON CANNOT WALK DIRECTLY INTO THE  
43 OPENING.

44 D. HATCHWAY AND CHUTE FLOOR OPENINGS SHALL BE GUARDED BY EITHER:

45 1. HINGED COVERS OF STANDARD STRENGTH AND CONSTRUCTION AND A STANDARD  
46 RAILING WITH ONLY ONE EXPOSED SIDE. IF THE OPENING IS NOT IN USE, THE COVER

1 SHALL BE CLOSED OR THE EXPOSED SIDE SHALL BE GUARDED AT BOTH TOP AND  
2 INTERMEDIATE POSITIONS BY REMOVABLE STANDARD RAILINGS.

3 2. A REMOVABLE STANDARD RAILING WITH TOEBOARD ON NOT MORE THAN TWO  
4 SIDES OF THE OPENING AND FIXED STANDARD RAILINGS WITH TOEBOARDS ON ALL OTHER  
5 EXPOSED SIDES. THE REMOVABLE RAILING SHALL BE KEPT IN PLACE IF THE OPENING  
6 IS NOT IN USE AND SHOULD PREFERABLY BE HINGED OR OTHERWISE MOUNTED SO AS TO  
7 BE CONVENIENTLY REPLACEABLE.

8 E. PITS AND TRAP DOOR FLOOR OPENINGS SHALL BE GUARDED BY FLOOR OPENING  
9 COVERS OF STANDARD STRENGTH AND CONSTRUCTION. IF THE COVER IS NOT IN PLACE,  
10 THE PIT OR TRAP OPENINGS SHALL BE PROTECTED ON ALL EXPOSED SIDES BY MOVABLE  
11 STANDARD RAILINGS.

12 F. MANHOLE FLOOR OPENINGS SHALL BE GUARDED BY STANDARD COVERS THAT  
13 NEED NOT BE HINGED IN PLACE. IF THE COVER IS NOT IN PLACE, THE MANHOLE  
14 OPENING SHALL BE PROTECTED BY STANDARD RAILINGS.

15 G. TEMPORARY FLOOR OPENINGS SHALL HAVE STANDARD RAILINGS.

16 H. FLOOR HOLES, INTO WHICH PERSONS CAN ACCIDENTALLY WALK, SHALL BE  
17 GUARDED BY EITHER A STANDARD RAILING WITH STANDARD TOEBOARD ON ALL EXPOSED  
18 SIDES, OR A FLOOR HOLE COVER OF STANDARD STRENGTH AND CONSTRUCTION THAT IS  
19 SECURED AGAINST ACCIDENTAL DISPLACEMENT. IF THE COVER IS NOT IN PLACE, THE  
20 FLOOR HOLE SHALL BE PROTECTED BY STANDARD RAILING.

21 I. WALL OPENINGS, FROM WHICH THERE IS A DROP OF MORE THAN FOUR FEET  
22 AND THE BOTTOM OF THE OPENING IS LESS THAN THREE FEET ABOVE THE WORKING  
23 SURFACE, SHALL BE GUARDED AS FOLLOWS:

24 1. WHEN THE HEIGHT AND PLACEMENT OF THE OPENING IN RELATION TO THE  
25 WORKING SURFACE IS SUCH THAT EITHER A STANDARD RAIL OR INTERMEDIATE RAIL WILL  
26 EFFECTIVELY REDUCE THE DANGER OF FALLING, ONE OR BOTH SHALL BE PROVIDED.

27 2. THE BOTTOM OF A WALL OPENING, WHICH IS LESS THAN FOUR INCHES ABOVE  
28 THE WORKING SURFACE REGARDLESS OF WIDTH, SHALL BE PROTECTED BY A STANDARD  
29 TOEBOARD OR AN ENCLOSING SCREEN EITHER OF SOLID CONSTRUCTION OR AS OTHERWISE  
30 REQUIRED BY THIS SECTION.

31 J. AN EXTENSION PLATFORM OUTSIDE A WALL OPENING ONTO WHICH MATERIALS  
32 CAN BE HOISTED FOR HANDLING SHALL HAVE SIDE RAILS OR EQUIVALENT GUARDS OF  
33 STANDARD SPECIFICATIONS. ONE SIDE OF AN EXTENSION PLATFORM MAY HAVE  
34 REMOVABLE RAILINGS IN ORDER TO FACILITATE HANDLING MATERIALS.

35 K. THIS SECTION APPLIES IF A CHUTE IS ATTACHED TO AN OPENING, EXCEPT  
36 THAT A TOEBOARD IS NOT REQUIRED.

37 L. WALL OPENING PROTECTION SHALL MEET THE FOLLOWING REQUIREMENTS:

38 1. BARRIERS SHALL BE OF SUCH CONSTRUCTION AND MOUNTING THAT, WHEN IN  
39 PLACE AT THE OPENING, THE BARRIER IS CAPABLE OF WITHSTANDING A LOAD OF AT  
40 LEAST TWO HUNDRED POUNDS APPLIED IN ANY DIRECTION EXCEPT UPWARD.

41 2. SCREENS SHALL BE OF SUCH CONSTRUCTION AND MOUNTING THAT THEY ARE  
42 CAPABLE OF WITHSTANDING A LOAD OF AT LEAST TWO HUNDRED POUNDS APPLIED  
43 HORIZONTALLY AT ANY POINT ON THE NEAR SIDE OF THE SCREEN. THEY MAY BE OF  
44 SOLID CONSTRUCTION, OF GRILL WORK WITH OPENINGS NOT MORE THAN EIGHT INCHES  
45 LONG OR OF SLAT WORK WITH OPENINGS NOT MORE THAN FOUR INCHES WIDE WITH LENGTH  
46 UNRESTRICTED.





1 G. THE FOLLOWING APPLIES WHEN INSTALLING STARTER BOARD, ROOF SHEATHING  
2 AND FASCIA BOARD:

3 1. EMPLOYEES SHALL BE PROTECTED FROM FALLING BY SCAFFOLDING,  
4 GUARDRAILS, PERSONAL FALL PROTECTION SYSTEMS OR OTHER MEANS PRESCRIBED BY  
5 THIS ARTICLE, AS FOLLOWS:

6 (a) FOR STRUCTURES GREATER THAN ONE STORY IN HEIGHT WHERE THE FALL  
7 HEIGHT EXCEEDS FIFTEEN FEET ABOVE THE SURROUNDING GRADE OR FLOOR LEVEL BELOW.

8 (b) IF WORKING ON A ROOF THAT IS SLOPED GREATER THAN 7:12, EXCEPT FOR  
9 A ROOF THAT IS SLOPED UP TO 12:12, SLIDE GUARDS MAY BE USED AS FALL  
10 PROTECTION UP TO AND INCLUDING FIFTEEN FEET AS MEASURED FROM THE EAVES TO THE  
11 SURROUNDING GRADE OR LOWER LEVEL BELOW.

12 2. EMPLOYEES WHO WORK INSIDE THE GABLE END TRUSS OR RAFTER SHALL BE  
13 CONSIDERED PROTECTED FROM FALLS WHERE THE GABLE END TRUSS HAS BEEN INSTALLED  
14 AND BRACED TO WITHSTAND A LATERAL FORCE OF TWO HUNDRED POUNDS AND THE  
15 EMPLOYEE INSTALLS FASCIA OR STARTER BOARD WORKING FROM WITHIN THE GABLE END  
16 TRUSS OR RAFTER.

17 3. IF WORK MUST BE PERFORMED OUTSIDE THE GABLE END TRUSS OR RAFTER,  
18 THE EMPLOYEE SHALL BE PROTECTED FROM FALLING BY SCAFFOLDING OR A PERSONAL  
19 FALL PROTECTION SYSTEM OR OTHER MEANS PRESCRIBED BY THIS ARTICLE, EXCEPT THAT  
20 IF THE WORK IS OF SHORT DURATION AND LIMITED EXPOSURE AND THE HAZARDS  
21 INVOLVED IN RIGGING AND INSTALLING THE SAFETY DEVICES REQUIRE EQUAL OR EXCEED  
22 THE HAZARDS INVOLVED IN THE ACTUAL CONSTRUCTION, THESE PROVISIONS MAY BE  
23 TEMPORARILY SUSPENDED PROVIDED THE WORK IS PERFORMED BY A QUALIFIED PERSON.

24 H. WALL OPENINGS SHALL BE GUARDED PURSUANT TO SECTION 23-492.03. THE  
25 GUARDRAIL MAY BE REMOVED IMMEDIATELY BEFORE INSTALLING THE WINDOW COMPONENTS  
26 IF REMOVAL OF THE GUARDRAIL IS NECESSARY TO INSTALL THE WINDOW.

27 I. IF SCAFFOLDING IS USED, IT SHALL BE CONSTRUCTED PURSUANT TO 29 CODE  
28 OF FEDERAL REGULATIONS SECTION 1926, SUBPART L. IF SCAFFOLDS ARE INSTALLED  
29 PARALLEL AND ADJACENT TO FRAMED STRUCTURE WALLS, THE INTERIOR RAILING MAY BE  
30 OMITTED FOR INSTALLATION OF FLOOR JOISTS, RAFTERS OR TRUSSES IF THE SCAFFOLD  
31 PLATFORM IS FIFTEEN FEET OR LESS FROM THE INTERIOR FLOOR LEVEL BELOW AND THE  
32 TOP PLATE IS HIGHER THAN THE ADJACENT WORK PLATFORM. IF SCAFFOLDING IS USED  
33 AS AN EDGE PROTECTION PLATFORM:

34 1. THE PLATFORM SHALL NOT BE MORE THAN TWO FEET VERTICALLY BELOW THE  
35 TOP PLATE AND THE PLATFORM SHALL BE FULLY PLANKED.

36 2. THE DISTANCE BETWEEN THE INBOARD EDGE OF THE PLATFORM AND THE  
37 BUILDING OR STRUCTURE WALL SHALL NOT BE MORE THAN SIXTEEN INCHES.

38 3. A TOEBOARD THAT IS TWO-INCH BY SIX-INCH OR LARGER SHALL BE SECURED  
39 ON EDGE PARALLEL TO THE OUTER RAIL.

40 J. SCAFFOLDS SHALL BE SECURED IN TENSION AND COMPRESSION TO THE  
41 STRUCTURE AT OR NEAR THE TOP OF THE SCAFFOLD AT EACH END AND AT EVERY OTHER  
42 FRAME NOT TO EXCEED TWENTY-FOOT INTERVALS.

43 K. GUARDRAILINGS SHALL EXTEND NOT LESS THAN FORTY-TWO INCHES  
44 VERTICALLY ABOVE THE EAVES IF THE OUTBOARD EDGE OF THE PLATFORM EXTENDS LESS  
45 THAN TWELVE INCHES HORIZONTALLY BEYOND THE EAVES.

1 L. EMPLOYEES WHO ARE EXPOSED TO FALL HAZARDS SHALL BE TRAINED PURSUANT  
2 TO SECTION 23-492.09 TO RECOGNIZE FALL HAZARDS ASSOCIATED WITH THE ERECTION  
3 AND CONSTRUCTION ACTIVITIES AND TRAINED TO MINIMIZE THESE HAZARDS. SUCH  
4 TRAINING SHALL BE DOCUMENTED PURSUANT TO SECTION 23-492.09.

5 M. IF THE EMPLOYER DEMONSTRATES THAT IT IS INFEASIBLE OR CREATES A  
6 GREATER HAZARD TO USE THESE SYSTEMS, THE EMPLOYER SHALL DEVELOP AND IMPLEMENT  
7 A FALL PROTECTION PLAN THAT MEETS THE REQUIREMENTS OF SECTION 23-492.07.

8 N. FOR THE PURPOSES OF THIS SECTION:

9 1. "BOTTOM PLATE" OR "SOLE PLATE" MEANS THE BOTTOM HORIZONTAL MEMBER  
10 OF A FRAME WALL.

11 2. "EAVES" MEANS THE LOWEST EDGE OF A SLOPED ROOF.

12 3. "FASCIA BOARD" MEANS THE EXTERIOR TRIM BOARD AT THE PERIMETER OF  
13 THE ROOF.

14 4. "JOIST" MEANS ONE OF A SERIES OF PARALLEL BEAMS USED TO CREATE A  
15 STRUCTURAL SUPPORT SYSTEM FOR A FLOOR DECK OR FLAT ROOF ONTO WHICH SHEATHING  
16 IS FASTENED.

17 5. "NOMINAL SIZE" MEANS THE COMMERCIAL SIZE DESIGNATION OF A STANDARD  
18 WIDTH AND DEPTH OF STANDARDIZED SAWN LUMBER AND GLUE LAMINATED LUMBER GRADES,  
19 LARGER THAN THE STANDARD ACTUAL NET SIZE OF THE FINISHED, DRESSED LUMBER.  
20 "NOMINAL SIZE" INCLUDES AN APPROXIMATE ROUGH-CUT DIMENSION ASSIGNED TO A  
21 PIECE OF MATERIAL AS A CONVENIENCE IN REFERENCING TO THE PIECE.

22 6. "RAFTER" MEANS ONE OF A SERIES OF STRUCTURAL MEMBERS OF A ROOF THAT  
23 IS DESIGNED TO SUPPORT ROOF LOADS. "RAFTER" INCLUDES:

24 (a) A FRAMING MEMBER THAT RUNS UP AND DOWN THE SLOPE OF A PITCHED  
25 ROOF.

26 (b) THE BEAMS THAT SLOPE FROM THE RIDGE OF A ROOF TO THE EAVES AND  
27 MAKE UP THE MAIN BODY OF THE ROOF'S FRAMEWORK.

28 (c) ROOF JOISTS FOR THE RAFTERS OF A FLAT ROOF.

29 7. "SHEATHING" MEANS THE STRUCTURAL PANEL COVERING THAT IS FASTENED TO  
30 STUDS, FLOOR JOISTS, RAFTERS OR TRUSSES.

31 8. "SLIDE GUARD" MEANS A TWO INCH NOMINAL CLEAT, ON CENTERS NOT TO  
32 EXCEED FOUR FEET, THAT IS SECURELY FASTENED TO THE ROOF SHEATHING TO PROVIDE  
33 FOOTING ON A SLOPED ROOF.

34 9. "STARTER BOARD" MEANS THE BOARD-TYPE SHEATHING MATERIAL THAT IS  
35 INSTALLED AT EAVES AND GABLE ENDS IN THE PLANE OF THE SHEATHING AND VISIBLE  
36 FROM THE UNDERSIDE.

37 10. "STUD" OR "WALL STUD" MEANS A VERTICAL FRAMING MEMBER IN WALLS AND  
38 PARTITIONS THAT ARE ATTACHED TO THE HORIZONTAL SOLE PLATE BELOW AND THE TOP  
39 PLATE ABOVE.

40 11. "TOP PLATE" MEANS THE TOP HORIZONTAL MEMBER OF A FRAME WALL  
41 SUPPORTING CEILING JOISTS, RAFTERS OR OTHER STRUCTURAL MEMBERS.

42 12. "TRUSS" MEANS THE PREFABRICATED STRUCTURAL ROOF UNIT THAT CONSISTS  
43 OF TRIANGULAR BRACING OR TRUSS WEB BETWEEN THE CEILING JOIST OR BOTTOM CHORD  
44 AND THE ROOF RAFTER OR TOP CHORD COMMONLY INSTALLED PARALLEL WITH OTHER  
45 TRUSSES TO CREATE A STRUCTURAL SUPPORT SYSTEM FOR A ROOF AFTER WHICH  
46 SHEATHING IS FASTENED. THE BOTTOM CHORD OFTEN SERVES AS A CEILING JOIST.

1 EACH MEMBER IS USUALLY SUBJECTED TO LONGITUDINAL STRESS ONLY, EITHER TENSION  
2 OR COMPRESSION.

3 13. "TRUSS SUPPORT PLATE" MEANS A TEMPORARY SUPPORT STRUCTURE THAT IS  
4 ERECTED NEAR MID-SPAN OF AN AREA WITH A LARGE OPEN SPAN, SUCH AS A GARAGE, TO  
5 SUPPORT TRUSSES DURING INSTALLATION.

6 23-492.05. Roofing operations and equipment: applicability

7 A. EMPLOYEES SHALL BE PROTECTED FROM FALLING WHEN ON A ROOF SURFACE  
8 WHERE THE EAVE HEIGHT EXCEEDS FIFTEEN FEET ABOVE THE GRADE OR LEVEL BELOW AND  
9 THE ROOF SLOPE IS NOT STEEPER THAN 4:12 BY USE OF ONE OF ANY COMBINATION OF  
10 PERSONAL FALL PROTECTION SYSTEMS, CATCH PLATFORMS, SCAFFOLD PLATFORMS, EAVE  
11 BARRIERS, ROOF JACK SYSTEMS, SAFETY MONITORING SYSTEMS OR PARAPETS AT LEAST  
12 TWENTY-FOUR INCHES HIGH.

13 B. EMPLOYEES SHALL BE PROTECTED FROM FALLING WHEN ON A ROOF SURFACE  
14 WHERE THE EAVE HEIGHT EXCEEDS FIFTEEN FEET ABOVE THE GRADE OR LEVEL BELOW AND  
15 THE ROOF SLOPE IS STEEPER THAN 4:12 BUT NOT STEEPER THAN 7:12 BY USE OF ONE  
16 OR ANY COMBINATION OF PERSONAL FALL PROTECTION SYSTEMS, CATCH PLATFORMS,  
17 SCAFFOLD PLATFORMS, EAVE BARRIERS, ROOF JACK SYSTEMS OR PARAPETS AT LEAST  
18 TWENTY-FOUR INCHES HIGH.

19 C. EMPLOYEES SHALL BE PROTECTED FROM FALLING WHEN ON A ROOF SURFACE  
20 STEEPER THAN 7:12 BY PERSONAL FALL PROTECTION SYSTEMS, CATCH PLATFORMS OR  
21 SCAFFOLD PLATFORMS, REGARDLESS OF THE HEIGHT OF THE ROOF.

22 D. IF A PERSONAL FALL PROTECTION SYSTEM IS USED TO COMPLY WITH THIS  
23 SECTION, THE SYSTEM SHALL BE INSTALLED AND USED PURSUANT TO SECTION  
24 23-492.06.

25 E. IF CATCH PLATFORMS ARE USED TO COMPLY WITH THIS SECTION, THEY SHALL  
26 BE INSTALLED IN CLOSE PROXIMITY BELOW THE EAVES BELOW ROOF WORK AREAS, EXTEND  
27 AT LEAST TWO FEET HORIZONTALLY BEYOND THE PROJECTION OF THE EAVES AND BE  
28 PROVIDED WITH STANDARD RAILINGS AND TOEBOARDS PURSUANT TO SECTION 23-492.06.  
29 CATCH PLATFORMS SHALL BE FULLY PLANKED.

30 F. IF BUILT-UP SCAFFOLD PLATFORMS ARE USED TO COMPLY WITH THIS  
31 SECTION, THEY SHALL BE INSTALLED AND MAINTAINED PURSUANT TO 29 CODE OF  
32 FEDERAL REGULATIONS SECTION 1926, SUBPART L. FULLY PLANKED PLATFORMS SHALL  
33 BE PROVIDED NEAR THE EAVE LEVEL.

34 G. IF EAVE BARRIERS ARE USED TO COMPLY WITH THIS SECTION, THE BARRIER,  
35 UNLESS OF SOLID CONSTRUCTION, SHALL COMPLY WITH SECTION 23-492.06. THE  
36 BARRIER SYSTEM SHALL BE SECURELY ANCHORED AT EAVE LEVEL OR SUPPORTED BY ROPES  
37 SECURELY TIED TO SUBSTANTIAL ANCHORAGES ON THE ROOF. IF THE BARRIER SYSTEM  
38 IS TO BE MOVED FROM ONE WORK AREA TO ANOTHER, EMPLOYEES PERFORMING THE MOVING  
39 OPERATIONS SHALL BE PROTECTED BY THE USE OF SAFETY BELTS AND LINES.

40 H. IF A ROOF JACK SYSTEM IS USED TO COMPLY WITH THIS SECTION, THE ROOF  
41 JACKS SHALL BE CONSTRUCTED TO FIT THE SLOPE OF THE ROOF AND BE DESIGNED,  
42 FABRICATED AND INSTALLED IN SUCH A MANNER THAT THEY WILL SUSTAIN ALL EXPECTED  
43 LOADS. THE SUPPORTED PLANK SHALL BE POSITIONED AT SOME ANGLE FROM  
44 PERPENDICULAR TO THE ROOF TO HORIZONTAL. INTERVALS OR SPANS BETWEEN ROOF  
45 JACKS SHALL NOT EXCEED TEN FEET. IF ROOF SUPPORTS ARE USED THEY SHALL  
46 CONSIST OF FIRST-GRADE MANILA ROPE OF AT LEAST THREE-FOURTHS INCH DIAMETER OR

1 OTHER MATERIAL OF EQUIVALENT STRENGTH. WOODEN SUPPORTING MEMBERS THAT SPAN  
2 BETWEEN ROOF JACKS SHALL BE SELECTED LUMBER OR EQUIVALENT AND BE OF AT LEAST  
3 TWO-INCH BY SIX-INCH MATERIAL. WHERE SUPPORTING MEMBERS OTHER THAN WOOD ARE  
4 USED THEY SHALL BE OF AT LEAST THE EQUIVALENT STRENGTH. WOODEN SUPPORTING  
5 MEMBERS THAT SPAN BETWEEN ROOF JACKS SHALL BE SELECTED LUMBER OR EQUIVALENT  
6 AND BE OF AT LEAST TWO-INCH BY SIX-INCH MATERIAL. WHERE SUPPORTING MEMBERS  
7 OTHER THAN WOOD ARE USED THEY SHALL BE OF AT LEAST EQUIVALENT STRENGTH.

8 I. IF A SAFETY MONITORING SYSTEM IS USED TO COMPLY WITH THIS SECTION,  
9 THE SYSTEM MUST BE INSTALLED AND USED PURSUANT TO SECTION 23-492.08 AND USED  
10 IN COMBINATION WITH A WARNING LINE SYSTEM. ON ROOFS FIFTY FEET OR LESS IN  
11 WIDTH, THE USE OF A SAFETY MONITORING SYSTEM WITHOUT A WARNING LINE SYSTEM IS  
12 PERMITTED.

13 J. FOR PURPOSES OF THIS SECTION, THE HEIGHT MEASUREMENT SHALL BE  
14 DETERMINED BY MEASURING THE VERTICAL DISTANCE FROM THE LOWEST EDGE OF THE  
15 ROOF OR EAVES TO THE GROUND OR LEVEL BELOW. THE HEIGHT OF PARAPETS SHALL NOT  
16 BE INCLUDED IN THE ROOF HEIGHT MEASUREMENTS.

17 K. IN ADDITION TO THE TRAINING REQUIRED UNDER SECTION 23-492.09, EACH  
18 AFFECTED EMPLOYEE SHALL BE TRAINED TO ENSURE SPECIFIC AWARENESS OF THE FALL  
19 HAZARDS ASSOCIATED WITH ROOFING WORK, INCLUDING:

- 20 1. WORK ON OR NEAR GABLE ENDS.
- 21 2. SLIPPING HAZARDS.
- 22 3. ROOF HOLES AND OPENINGS.
- 23 4. SKYLIGHTS.
- 24 5. WORK ON LADDERS AND SCAFFOLDS.
- 25 6. ACCESS TO ROOF.
- 26 7. PLACEMENT AND LOCATION OF MATERIALS ON ROOF.
- 27 8. CARE AND USE OF FALL PROTECTION SYSTEMS.

28 L. DOCUMENTATION OF EMPLOYEE TRAINING SHALL BE MAINTAINED AS REQUIRED  
29 BY 29 CODE OF FEDERAL REGULATIONS SECTION 1926.503.

30 M. IF THE EMPLOYER DEMONSTRATES THAT IT IS INFEASIBLE OR CREATES A  
31 GREATER HAZARD TO USE THESE SYSTEMS, THE EMPLOYER SHALL DEVELOP AND IMPLEMENT  
32 A FALL PROTECTION PLAN THAT MEETS THE REQUIREMENTS OF SECTION 23-492.07.

33 N. THIS SECTION APPLIES TO ROOFING WORK ON NEW RESIDENTIAL  
34 CONSTRUCTION SITES, RE-ROOFING OPERATIONS, ROOFING REPLACEMENTS, ADDITIONS ON  
35 EXISTING DWELLING UNITS AND INSTALLATION, REPLACEMENT AND REPAIR OF SOLAR  
36 EQUIPMENT.

37 23-492.06. Railings, safety nets and personal fall arrest  
38 systems used in residential construction

39 A. IF REQUIRED BY THIS ARTICLE:

- 40 1. ALL STANDARD GUARDRAILS AND TOEBOARDS SHALL COMPLY WITH 29 CODE OF  
41 FEDERAL REGULATIONS SECTION 1926.502(b).
- 42 2. ALL SAFETY NETS SHALL COMPLY WITH 29 CODE OF FEDERAL REGULATIONS  
43 SECTION 1926.502(c).
- 44 3. ALL PERSONAL FALL ARREST SYSTEMS SHALL COMPLY WITH 29 CODE OF  
45 FEDERAL REGULATIONS SECTION 1926.502(d).

1 B. IF USING GUARDRAILS, SAFETY NETS OR PERSONAL FALL ARREST SYSTEMS,  
2 EMPLOYERS MAY FOLLOW THE NONMANDATORY GUIDELINES FOR COMPLIANCE FOUND IN 29  
3 CODE OF FEDERAL REGULATIONS SECTION 1926, SUBPART M, APPENDIX B, C AND D.

4 23-492.07. Fall protection plan; applicability

5 A. EVERY EMPLOYER ENGAGED IN RESIDENTIAL CONSTRUCTION ACTIVITIES SHALL  
6 PREPARE AND IMPLEMENT A WRITTEN FALL PROTECTION PLAN WHICH REDUCES OR  
7 ELIMINATES FALL HAZARDS FOR EMPLOYEES ENGAGED IN RESIDENTIAL CONSTRUCTION  
8 ACTIVITIES SIX FEET OR MORE ABOVE LOWER LEVELS AS FOLLOWS:

9 1. THE EMPLOYER MAY DEVELOP A SINGLE FALL PROTECTION PLAN COVERING ALL  
10 CONSTRUCTION OPERATIONS. THE FALL PROTECTION PLAN SHALL BE PREPARED BY A  
11 QUALIFIED PERSON AND THE PLAN MUST BE MAINTAINED UP TO DATE. THE PLAN SHALL  
12 DOCUMENT THE IDENTITY OF THE QUALIFIED PERSON.

13 2. ANY CHANGES TO THE FALL PROTECTION PLAN SHALL BE APPROVED BY THE  
14 QUALIFIED PERSON. THE IDENTITY OF THE QUALIFIED PERSON SHALL BE DOCUMENTED.

15 3. A COPY OF THE FALL PROTECTION PLAN WITH ALL APPROVED CHANGES SHALL  
16 BE MAINTAINED AT THE JOB SITE.

17 4. THE IMPLEMENTATION OF THE FALL PROTECTION PLAN SHALL BE UNDER THE  
18 SUPERVISION OF A COMPETENT PERSON. THE PLAN SHALL DOCUMENT THE IDENTITY OF  
19 THE COMPETENT PERSON.

20 5. THE FALL PROTECTION PLAN SHALL IDENTIFY ALL FALL HAZARDS SIX FEET  
21 OR MORE ABOVE LOWER LEVELS.

22 6. THE FALL PROTECTION PLAN SHALL INCLUDE A WRITTEN DISCUSSION OF ALL  
23 MEASURES THAT WILL BE TAKEN TO REDUCE OR ELIMINATE THE FALL HAZARD FOR  
24 WORKERS EXPOSED TO FALL HAZARDS SIX FEET OR MORE ABOVE LOWER LEVELS.

25 7. THE FALL PROTECTION PLAN SHALL IDENTIFY EACH LOCATION THAT WILL BE  
26 CLASSIFIED AS A CONTROLLED ACCESS ZONE AND THE EMPLOYER SHALL COMPLY WITH  
27 SECTION 23-492.08.

28 8. WHERE NO ALTERNATIVE MEASURES HAVE BEEN IMPLEMENTED, THE EMPLOYER  
29 SHALL IMPLEMENT A SAFETY MONITORING SYSTEM THAT COMPLIES WITH SECTION  
30 23-492.08.

31 9. THE FALL PROTECTION PLAN MUST INCLUDE A STATEMENT PROVIDING THE  
32 NAME OR OTHER METHOD OF IDENTIFICATION FOR EACH EMPLOYEE WHO IS DESIGNATED TO  
33 WORK IN A CONTROLLED ACCESS ZONE. NO OTHER EMPLOYEES MAY ENTER CONTROLLED  
34 ACCESS ZONES.

35 10. IN THE EVENT AN EMPLOYEE FALLS, OR SOME OTHER RELATED SERIOUS  
36 INCIDENT OCCURS SUCH AS A NEAR MISS, THE EMPLOYER SHALL INVESTIGATE THE  
37 CIRCUMSTANCES OF THE FALL OR OTHER INCIDENT TO DETERMINE IF THE FALL  
38 PROTECTION PLAN NEEDS TO BE AMENDED AND SHALL IMPLEMENT THOSE CHANGES TO  
39 PREVENT SIMILAR TYPES OF FALLS OR INCIDENTS.

40 B. IN ADDITION TO THE REQUIREMENTS IN SUBSECTION A OF THIS SECTION,  
41 WHEN IT CAN BE SHOWN THAT THE USE OF PERSONAL FALL PROTECTION SYSTEMS TO  
42 PROTECT EMPLOYEES WORKING FIFTEEN FEET OR MORE ABOVE LOWER LEVELS IS  
43 INFEASIBLE OR CREATES A GREATER HAZARD, THE EMPLOYER SHALL INCLUDE IN THE  
44 WRITTEN FALL PROTECTION PLAN THE FOLLOWING:

45 1. THE FALL PROTECTION PLAN SHALL BE PREPARED BY A QUALIFIED PERSON  
46 AND DEVELOPED SPECIFICALLY FOR THE SITE WHERE THE CONSTRUCTION WORK IS BEING

1 PERFORMED. THE EMPLOYER MAY DEVELOP A SINGLE SITE FALL PROTECTION PLAN FOR  
2 SITES WHERE THE CONSTRUCTION OPERATIONS ARE ESSENTIALLY IDENTICAL.

3 2. THE FALL PROTECTION PLAN SHALL DOCUMENT THE REASONS WHY THE USE OF  
4 PERSONAL FALL PROTECTION SYSTEMS IS INFEASIBLE OR CREATES A GREATER HAZARD.

5 3. THE FALL PROTECTION PLAN SHALL IDENTIFY EACH LOCATION WHERE  
6 PERSONAL FALL PROTECTION SYSTEMS CANNOT BE USED. THESE LOCATIONS SHALL THEN  
7 BE CLASSIFIED AS CONTROLLED ACCESS ZONES AND THE EMPLOYER MUST COMPLY WITH  
8 THE PROVISIONS OF SECTION 23-492.08.

9 23-492.08. Controlled access zones and safety monitoring  
10 systems

11 A. IF USED TO CONTROL ACCESS TO AREAS WHERE LEADING EDGE AND OTHER  
12 OPERATIONS ARE TAKING PLACE, THE CONTROLLED ACCESS ZONE SHALL BE DEFINED BY A  
13 CONTROL LINE OR BY OTHER MEANS THAT RESTRICTS ACCESS. SIGNS SHALL BE POSTED  
14 TO WARN UNAUTHORIZED EMPLOYEES TO STAY OUT OF THE CONTROLLED ACCESS ZONE.

15 B. THE EMPLOYER SHALL DESIGNATE A COMPETENT PERSON AS A SAFETY MONITOR  
16 TO MONITOR THE SAFETY OF OTHER EMPLOYEES. THE EMPLOYER SHALL ENSURE THAT THE  
17 SAFETY MONITOR:

18 1. IS COMPETENT TO RECOGNIZE FALL HAZARDS.

19 2. WARNS EMPLOYEES WHEN IT APPEARS THAT THE EMPLOYEES ARE UNAWARE OF A  
20 FALL HAZARD OR ARE ACTING IN AN UNSAFE MANNER.

21 3. IS WITHIN VISUAL SIGHTING DISTANCE OF EMPLOYEES AND COMMUNICATES  
22 WITH THE EMPLOYEES WHO ARE BEING MONITORED.

23 4. DOES NOT HAVE OTHER RESPONSIBILITIES THAT COULD TAKE THE MONITOR'S  
24 ATTENTION AWAY FROM THE MONITORING FUNCTION.

25 C. AN EMPLOYEE, OTHER THAN AN EMPLOYEE COVERED BY A FALL PROTECTION  
26 PLAN, SHALL NOT BE ALLOWED IN AN AREA WHERE ANY EMPLOYEE IS BEING PROTECTED  
27 BY A SAFETY MONITORING SYSTEM.

28 D. EACH EMPLOYEE WHO WORKS IN A CONTROLLED ACCESS ZONE SHALL COMPLY  
29 WITH FALL HAZARD WARNINGS FROM SAFETY MONITORS.

30 23-492.09. Training requirements

31 ALL EMPLOYEES WHO ARE COVERED UNDER THIS ARTICLE SHALL BE TRAINED IN  
32 COMPLIANCE WITH 29 CODE OF FEDERAL REGULATIONS SECTION 1926.503, AND  
33 DOCUMENTATION OF THE EMPLOYEE TRAINING SHALL BE MAINTAINED AS PRESCRIBED BY  
34 29 CODE OF FEDERAL REGULATIONS SECTION 1926.503.

35 Sec. 3. Emergency

36 This act is an emergency measure that is necessary to preserve the  
37 public peace, health or safety and is operative immediately as provided by  
38 law.

APPROVED BY THE GOVERNOR MARCH 27, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 27, 2012.