

**OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)  
REGULATORY UPDATES**

**FINAL STATUTES AND RULEMAKING**

CITATION	SUMMARY
<p><b>Subject:</b> Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems).</p> <p><b>Publication Date:</b> 11/18/2017</p> <p><b>Effective Date:</b> 01/17/2017</p> <p><b>Action:</b> Final Rule</p> <p><b>CFR:</b> 29 CFR 1910</p> <p><b>Agency/Docket Number:</b> OSHA-2007-0072</p>	<p>On November 17, 2016, OSHA issued a final rule updating its general industry Walking-Working Surfaces standards specific to slip, trip, and fall hazards. The rule also includes a new section under the general industry Personal Protective Equipment standards that establishes employer requirements for using personal fall protection systems. OSHA estimates that the rule will prevent 29 fatalities and over 5,842 lost-workday injuries each year.</p> <p>The rule requires employers to protect employees from fall hazards along unprotected sides or edges that are at least 4 feet above a lower level. It also sets requirements for fall protection in specific situations, such as hoist areas, runways, areas above dangerous equipment, wall openings, repair pits, stairways, and scaffolds. The rule will additionally establish requirements for the performance, inspection, use, and maintenance of personal fall protection systems.</p> <p>The new rule includes requirements to protect workers from falling off fixed and portable ladders as well as mobile ladder stands and platforms. Ladders must be capable of supporting their maximum intended load, while mobile ladder stands and platforms must be capable of supporting four times their maximum intended load. Each ladder must be inspected before initial use in a work shift to identify defects that could cause injury. The new rule phases in a requirement for employers to have ladder safety or personal fall arrest systems for fixed ladders that extend more than 24 feet, and phases out the use of cages or wells for fall protection.</p> <p>OSHA will now require that employers ensure workers who use personal fall protection and work in other specified high hazard situations are trained, and retrained as needed, on fall and equipment hazards, including fall protection systems. A qualified person must train these workers to correctly: identify and minimize fall hazards; use personal fall protection systems and rope descent systems; and maintain, inspect, and store equipment or systems used for fall protection.</p>

**FINAL STATUTES AND RULEMAKING (Continued)**

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<p><b>Subject:</b> Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems).</p> <p><b>Publication Date:</b> 11/18/2016</p> <p><b>Effective Date:</b> 01/17/2017</p> <p><b>Action:</b> Final Rule</p> <p><b>CFR:</b> 29 CFR 1910</p> <p><b>Agency/Docket Number:</b></p> <p>OSHA-2007-0072</p>	<p>Most of the rule will become effective on January 17, 2017, but some provisions have delayed effective dates, including to:</p> <ul style="list-style-type: none"> <li>• Ensure exposed workers are trained on fall hazards (May 17, 2017).</li> <li>• Ensure workers who use equipment covered by the final rule are trained (May 17, 2017).</li> <li>• Inspect and certify permanent anchorages for rope descent systems (November 17, 2017).</li> <li>• Install personal fall arrest or ladder safety systems on new fixed ladders over 24 feet and on replacement ladders/ladder sections, including fixed ladders on outdoor advertising structures (November 17, 2018).</li> <li>• Ensure existing fixed ladders over 24 feet, including those on outdoor advertising structures, are equipped with a cage, well, personal fall arrest system, or ladder safety system (November 17, 2018).</li> </ul> <p>Replace cages and wells (used as fall protection) with ladder safety or personal fall arrest systems on all fixed ladders over 24 feet (November 17, 2036 - 20 years from the publication date).</p> <p>The final rule is available for review at:</p> <p style="text-align: center;"><a href="http://www.osha.gov">OSHA.gov</a></p>

**FINAL STATUTES AND RULEMAKING (Continued)**

CITATION	SUMMARY
<p><b>Subject:</b> Clarification of Employer’s Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness</p> <p><b>Publication Date:</b> 12/19/2016</p> <p><b>Effective Date:</b> 01/18/2017</p> <p><b>Action:</b> Final Rule</p> <p><b>CFR:</b> 29 CFR 1904</p> <p><b>Agency/Docket Number:</b> OSHA-2015-0006</p>	<p>OSHA has issued a final rule that clarifies an employer's continuing obligation to make and maintain an accurate record of each recordable injury and illness. The final rule becomes effective January 18, 2017. The duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation. The duty to record an injury or illness continues for as long as the employer must keep records of the recordable injury or illness; the duty does not expire just because the employer fails to create the necessary records when first required to do so.</p> <p>The amendments consist of revisions to the titles of some existing sections and subparts, and changes to the text of some existing provisions.</p> <p>A copy of the final rule is available at:</p> <p style="text-align: center;"><a href="http://www.osha-slc.gov">OSHA.gov</a></p>

## LETTERS OF INTERPRETATION

OSHA has issued the following letters of interpretation since our last regulatory update:

August 23, 2016 - Clarification on how the formula is used by OSHA to calculate incident rates [1904]

[OSHA.gov](#)

August 23, 2016 - Determining if the work-related injury or illness would apply to the work-related exception 1904.5(b)(2)(ii) [1904.5]

[OSHA.gov](#)

August 23, 2016 - Determining work-related injuries for accidents that occur on a public road or highway [1904.5]

[OSHA.gov](#)

September 9, 2016 - Clarification on the use of preventative exercise as an intervention strategy [1904.7(b)(5)]

[OSHA.gov](#)

September 12, 2016 - Evaluating the work-relationship of an injury or illness [1904.5(b)(3)]

[OSHA.gov](#)

September 21, 2016 - Clarifications to CPL 02-02-079, Inspection Procedures for the Hazard Communication Standard (HCS 2012)[1910.1200]

[OSHA.gov](#)

November 21, 2016 - Determining if a work-related injury or illness resulted in restricted work activity/Job Transfer [1904.7(b)(4)]

[OSHA.gov](#)

December 22, 2016 - Enforcement of minimum approach distance requirements in 29 CFR 1910.269 and 29 CFR Part 1926, Subpart V [1910.269(l)(3)(i); 1910.269(l)(3)(ii); 1926.960(c)(1)(i); 1926.960(c)(1)(ii)]

[OSHA.gov](#)

**RECENT DEVELOPMENTS****OSHA recommendations for creating a Safety and Health Plan**

OSHA has released a set of recommended practices for safety and health programs to help employers establish a methodical approach to improving safety at their workplaces. The recommendations update OSHA's 1989 guidelines to reflect changes in the economy, workplaces, and evolving safety and health issues. Key principles include: leadership from the top to send a message that safety and health is critical to business operations; worker participation in finding solutions; and a systematic approach to find and fix hazards. The new guidelines are available on the OSHA website at:

[OSHA.gov Guidelines](#)

**OSHA proposes changes to the respiratory protection standard**

In October, OSHA issued a notice of proposed rulemaking to add two quantitative fit-testing protocols to the agency's Respiratory Protection Standard. The proposed protocols are variations of the existing OSHA-accepted PortaCount® protocol, but differ from it by the exercise sets, exercise duration, and sampling sequence. The protocols would apply to employers in the general, shipyard and construction industries. The proposed rule is available at:

[Public Inspection Federal Register \(PDF\)](#)