



September 22, 2011

MEMORANDUM FOR: OSHA REGIONAL ADMINISTRATORS

FROM:


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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.