

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
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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:

1 1. HINGED COVERS OF STANDARD STRENGTH AND CONSTRUCTION AND A STANDARD
2 RAILING WITH ONLY ONE EXPOSED SIDE. IF THE OPENING IS NOT IN USE, THE COVER
3 SHALL BE CLOSED OR THE EXPOSED SIDE SHALL BE GUARDED AT BOTH TOP AND
4 INTERMEDIATE POSITIONS BY REMOVABLE STANDARD RAILINGS.

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

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

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

17 G. TEMPORARY FLOOR OPENINGS SHALL HAVE STANDARD RAILINGS.

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

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

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

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

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

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

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

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

43 2. SCREENS SHALL BE OF SUCH CONSTRUCTION AND MOUNTING THAT THEY ARE
44 CAPABLE OF WITHSTANDING A LOAD OF AT LEAST TWO HUNDRED POUNDS APPLIED
45 HORIZONTALLY AT ANY POINT ON THE NEAR SIDE OF THE SCREEN. THEY MAY BE OF

1 SOLID CONSTRUCTION, OF GRILL WORK WITH OPENINGS NOT MORE THAN EIGHT INCHES
2 LONG OR OF SLAT WORK WITH OPENINGS NOT MORE THAN FOUR INCHES WIDE WITH LENGTH
3 UNRESTRICTED.

4 23-492.04. Wood and light gage steel frame residential
5 construction; application; definitions

6 A. THIS SECTION APPLIES TO WORK DIRECTLY ASSOCIATED WITH THE FRAMING
7 OF NEW RESIDENTIAL BUILDINGS OR STRUCTURES USING THE OPERATIONS, METHODS AND
8 PROCEDURES ASSOCIATED WITH RESIDENTIAL-TYPE FRAMING ACTIVITIES, INCLUDING
9 JOISTS OR TRUSSES RESTING ON STUD WALLS AND WORK PERFORMED IN THE INTERIOR OF
10 THE BUILDINGS OR STRUCTURES.

11 B. BEFORE MANUALLY RAISING FRAMED WALLS THAT ARE FIFTEEN FEET OR MORE
12 IN HEIGHT, TEMPORARY RESTRAINTS SUCH AS CLEATS ON THE FOUNDATION OR FLOOR
13 SYSTEM OR STRAPS ON THE WALL BOTTOM PLATE SHALL BE INSTALLED TO PREVENT
14 INADVERTENT HORIZONTAL SLIDING OR UPLIFT OF THE FRAMED WALL BOTTOM PLATE.
15 ANCHOR BOLTS ALONE SHALL NOT BE USED FOR BLOCKING OR BRACING WHEN RAISING
16 FRAMED WALLS FIFTEEN FEET OR MORE IN HEIGHT.

17 C. EMPLOYEES SHALL NOT WORK FROM OR WALK ON TOP PLATES, JOISTS,
18 RAFTERS, TRUSSES, BEAMS OR OTHER STRUCTURAL MEMBERS UNTIL THEY ARE SECURELY
19 BRACED AND SUPPORTED.

20 D. IF EMPLOYEES ARE WALKING OR WORKING ON TOP PLATES, JOISTS, RAFTERS,
21 TRUSSES, BEAMS OR OTHER SIMILAR STRUCTURAL MEMBERS OVER FIFTEEN FEET ABOVE
22 THE SURROUNDING GRADE OR LOWER LEVEL BELOW, FALL PROTECTION SHALL BE PROVIDED
23 BY SCAFFOLDING, PERSONAL FALL PROTECTION SYSTEMS OR BY OTHER MEANS PRESCRIBED
24 BY THIS ARTICLE, EXCEPT:

25 1. IF EMPLOYEES ARE WALKING OR WORKING ON SECURELY BRACED JOISTS,
26 RAFTERS OR ROOF TRUSSES ON CENTER SPACING NOT EXCEEDING TWENTY-FOUR INCHES
27 AND MORE THAN SIX FEET FROM AN UNPROTECTED SIDE OR EDGE, THE EMPLOYEES SHALL
28 BE CONSIDERED PROTECTED FROM FALLS BETWEEN THE JOISTS, RAFTERS AND ROOF
29 TRUSSES.

30 2. IF INSTALLING FLOOR JOISTS, EMPLOYEES SHALL BE CONSIDERED PROTECTED
31 FROM FALLS UP TO AND INCLUDING FIFTEEN FEET ABOVE THE SURROUNDING GRADE OR
32 FLOOR LEVEL BELOW WHEN STANDING ON OR WORKING FROM JOISTS LAID ON THEIR SIDE
33 ON THE TOP PLATE ON CENTER SPACING NOT EXCEEDING TWENTY-FOUR INCHES IF
34 WALKING OR WORKING WITHIN TWENTY-FOUR INCHES OF THE TOP PLATE OR OTHER
35 STRUCTURAL SUPPORT.

36 E. IF A TRUSS SUPPORT PLATE IS USED DURING THE INSTALLATION OF
37 TRUSSES, THE TRUSS SUPPORT PLATE SHALL BE CONSTRUCTED OF A TWO-INCH BY
38 SIX-INCH PLANK LAID FLAT THAT IS SECURED LINEALLY TO A TWO-INCH BY SIX-INCH
39 PLANK LAID ON EDGE AND SUPPORTED WITH TWO-INCH BY FOUR-INCH WOOD MEMBERS THAT
40 ARE SPACED NO MORE THAN SIX FEET ON CENTER AND ATTACHED TO DIAGONAL BRACING
41 ADEQUATELY SECURED TO SUPPORT ITS INTENDED LOAD. ALL MATERIAL DIMENSIONS ARE
42 MINIMUM AND NOMINAL.

43 F. IF WORKING ON FLOORS AND OTHER WALKING OR WORKING SURFACES THAT
44 WILL LATER BE ENCLOSED BY FRAMED EXTERIOR WALLS, EMPLOYEES DIRECTLY INVOLVED
45 WITH THE LAYOUT AND CONSTRUCTION OF FRAMED STUD WALLS SHALL BE PROTECTED FROM

1 FALLING BY STANDARD GUARDRAILS PURSUANT TO SECTION 23-492.06 AROUND ALL
2 UNPROTECTED SIDES OR EDGES, OR BY OTHER MEANS PRESCRIBED BY THIS ARTICLE, IF
3 THE FLOOR OR WALKING OR WORKING SURFACE IS OVER FIFTEEN FEET ABOVE THE
4 SURROUNDING GRADE OR FLOOR LEVEL BELOW.

5 G. THE FOLLOWING APPLIES WHEN INSTALLING STARTER BOARD, ROOF SHEATHING
6 AND FASCIA BOARD:

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

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

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

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

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

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

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

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

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

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

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

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

7 L. EMPLOYEES WHO ARE EXPOSED TO FALL HAZARDS SHALL BE TRAINED PURSUANT
8 TO SECTION 23-492.09 TO RECOGNIZE FALL HAZARDS ASSOCIATED WITH THE ERECTION
9 AND CONSTRUCTION ACTIVITIES AND TRAINED TO MINIMIZE THESE HAZARDS. SUCH
10 TRAINING SHALL BE DOCUMENTED PURSUANT TO SECTION 23-492.09.

11 M. 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. FOR THE PURPOSES OF THIS SECTION:

15 1. "BOTTOM PLATE" OR "SOLE PLATE" MEANS THE BOTTOM HORIZONTAL MEMBER
16 OF A FRAME WALL.

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

18 3. "FASCIA BOARD" MEANS THE EXTERIOR TRIM BOARD AT THE PERIMETER OF
19 THE ROOF.

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

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

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

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

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

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

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

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

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

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

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

3 12. "TRUSS" MEANS THE PREFABRICATED STRUCTURAL ROOF UNIT THAT CONSISTS
4 OF TRIANGULAR BRACING OR TRUSS WEB BETWEEN THE CEILING JOIST OR BOTTOM CHORD
5 AND THE ROOF RAFTER OR TOP CHORD COMMONLY INSTALLED PARALLEL WITH OTHER
6 TRUSSES TO CREATE A STRUCTURAL SUPPORT SYSTEM FOR A ROOF AFTER WHICH
7 SHEATHING IS FASTENED. THE BOTTOM CHORD OFTEN SERVES AS A CEILING JOIST.
8 EACH MEMBER IS USUALLY SUBJECTED TO LONGITUDINAL STRESS ONLY, EITHER TENSION
9 OR COMPRESSION.

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

13 23-492.05. Roofing operations and equipment; applicability

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

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

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

29 D. IF A PERSONAL FALL PROTECTION SYSTEM IS USED TO COMPLY WITH THIS
30 SECTION, THE SYSTEM SHALL BE INSTALLED AND USED PURSUANT TO SECTION
31 23-492.06.

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

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

41 G. IF EAVE BARRIERS ARE USED TO COMPLY WITH THIS SECTION, THE BARRIER,
42 UNLESS OF SOLID CONSTRUCTION, SHALL COMPLY WITH SECTION 23-492.06. THE
43 BARRIER SYSTEM SHALL BE SECURELY ANCHORED AT EAVE LEVEL OR SUPPORTED BY ROPES
44 SECURELY TIED TO SUBSTANTIAL ANCHORAGES ON THE ROOF. IF THE BARRIER SYSTEM

1 IS TO BE MOVED FROM ONE WORK AREA TO ANOTHER, EMPLOYEES PERFORMING THE MOVING
2 OPERATIONS SHALL BE PROTECTED BY THE USE OF SAFETY BELTS AND LINES.

3 H. IF A ROOF JACK SYSTEM IS USED TO COMPLY WITH THIS SECTION, THE ROOF
4 JACKS SHALL BE CONSTRUCTED TO FIT THE SLOPE OF THE ROOF AND BE DESIGNED,
5 FABRICATED AND INSTALLED IN SUCH A MANNER THAT THEY WILL SUSTAIN ALL EXPECTED
6 LOADS. THE SUPPORTED PLANK SHALL BE POSITIONED AT SOME ANGLE FROM
7 PERPENDICULAR TO THE ROOF TO HORIZONTAL. INTERVALS OR SPANS BETWEEN ROOF
8 JACKS SHALL NOT EXCEED TEN FEET. IF ROOF SUPPORTS ARE USED THEY SHALL
9 CONSIST OF FIRST-GRADE MANILA ROPE OF AT LEAST THREE-FOURTHS INCH DIAMETER OR
10 OTHER MATERIAL OF EQUIVALENT STRENGTH. WOODEN SUPPORTING MEMBERS THAT SPAN
11 BETWEEN ROOF JACKS SHALL BE SELECTED LUMBER OR EQUIVALENT AND BE OF AT LEAST
12 TWO-INCH BY SIX-INCH MATERIAL. WHERE SUPPORTING MEMBERS OTHER THAN WOOD ARE
13 USED THEY SHALL BE OF AT LEAST THE EQUIVALENT STRENGTH. WOODEN SUPPORTING
14 MEMBERS THAT SPAN BETWEEN ROOF JACKS SHALL BE SELECTED LUMBER OR EQUIVALENT
15 AND BE OF AT LEAST TWO-INCH BY SIX-INCH MATERIAL. WHERE SUPPORTING MEMBERS
16 OTHER THAN WOOD ARE USED THEY SHALL BE OF AT LEAST EQUIVALENT STRENGTH.

17 I. IF A SAFETY MONITORING SYSTEM IS USED TO COMPLY WITH THIS SECTION,
18 THE SYSTEM MUST BE INSTALLED AND USED PURSUANT TO SECTION 23-492.08 AND USED
19 IN COMBINATION WITH A WARNING LINE SYSTEM. ON ROOFS FIFTY FEET OR LESS IN
20 WIDTH, THE USE OF A SAFETY MONITORING SYSTEM WITHOUT A WARNING LINE SYSTEM IS
21 PERMITTED.

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

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

- 29 1. WORK ON OR NEAR GABLE ENDS.
- 30 2. SLIPPING HAZARDS.
- 31 3. ROOF HOLES AND OPENINGS.
- 32 4. SKYLIGHTS.
- 33 5. WORK ON LADDERS AND SCAFFOLDS.
- 34 6. ACCESS TO ROOF.
- 35 7. PLACEMENT AND LOCATION OF MATERIALS ON ROOF.
- 36 8. CARE AND USE OF FALL PROTECTION SYSTEMS.

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

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

42 N. THIS SECTION APPLIES TO ROOFING WORK ON NEW RESIDENTIAL
43 CONSTRUCTION SITES, RE-ROOFING OPERATIONS, ROOFING REPLACEMENTS, ADDITIONS ON
44 EXISTING DWELLING UNITS AND INSTALLATION, REPLACEMENT AND REPAIR OF SOLAR
45 EQUIPMENT.

1 23-492.06. Railings, safety nets and personal fall arrest
2 systems used in residential construction

3 A. IF REQUIRED BY THIS ARTICLE:

4 1. ALL STANDARD GUARDRAILS AND TOEBOARDS SHALL COMPLY WITH 29 CODE OF
5 FEDERAL REGULATIONS SECTION 1926.502(b).

6 2. ALL SAFETY NETS SHALL COMPLY WITH 29 CODE OF FEDERAL REGULATIONS
7 SECTION 1926.502(c).

8 3. ALL PERSONAL FALL ARREST SYSTEMS SHALL COMPLY WITH 29 CODE OF
9 FEDERAL REGULATIONS SECTION 1926.502(d).

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

13 23-492.07. Fall protection plan; applicability

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

18 1. THE EMPLOYER MAY DEVELOP A SINGLE FALL PROTECTION PLAN COVERING ALL
19 CONSTRUCTION OPERATIONS. THE FALL PROTECTION PLAN SHALL BE PREPARED BY A
20 QUALIFIED PERSON AND THE PLAN MUST BE MAINTAINED UP TO DATE. THE PLAN SHALL
21 DOCUMENT THE IDENTITY OF THE QUALIFIED PERSON.

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

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

26 4. THE IMPLEMENTATION OF THE FALL PROTECTION PLAN SHALL BE UNDER THE
27 SUPERVISION OF A COMPETENT PERSON. THE PLAN SHALL DOCUMENT THE IDENTITY OF
28 THE COMPETENT PERSON.

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

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

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

37 8. WHERE NO ALTERATIVE MEASURES HAVE BEEN IMPLEMENTED, THE EMPLOYER
38 SHALL IMPLEMENT A SAFETY MONITORING SYSTEM THAT COMPLIES WITH SECTION
39 23-492.08.

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

1 DOCUMENTATION OF THE EMPLOYEE TRAINING SHALL BE MAINTAINED AS PRESCRIBED BY
2 29 CODE OF FEDERAL REGULATIONS SECTION 1926.503.

3 Sec. 3. Emergency

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

APPROVED BY THE GOVERNOR MARCH 27, 2012.

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

Passed the House March 20, 2012,

Passed the Senate February 27, 2012,

by the following vote: 47 Ayes,

by the following vote: 22 Ayes,

10 Nays, 3 Not Voting

8 Nays, 0 Not Voting

With Emergency
[Signature]
Speaker of the House

With Emergency
[Signature]
President of the Senate

Cheryl Laube
Chief Clerk of the House

Charmine B. [Signature]
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1441

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 21, 20 12

by the following vote: 22 Ayes,

7 Nays, 1 Not Voting

Steve Pierce With Emergency
President of the Senate

Charmis Ballinger
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

21 day of March, 20 12

at 2:50 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 27th day of

March

at 2:20 o'clock P. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 27th day of March, 20 12

S.B. 1441

at 5:12 o'clock P M.

[Signature]
Secretary of State