Walking-Working Surfaces:

OSHA Takes Major Steps to Overhaul Slips, Trips, and Falls Standard
For years, general industry employers have sought to prevent slips, trips and falls in their workplaces. Unfortunately, Subpart D, “Walking-Working Surfaces,” has provided little in the way of clear, concise requirements. This has changed, however, with the finalization of a new rule on November 18, 2016 that took major steps in overhauling the existing standard.

Slip, trip, and fall hazards

In 1971, OSHA promulgated the requirements under Subpart D. Over the last 35 years, OSHA has accumulated a wide variety of technical information, including studies, data, and analysis of the injuries and fatalities associated with walking-working surfaces. As a result, OSHA concluded that exposure to slip, trip, and fall hazards posed a “significant risk” of death or serious physical harm to workers in general industry workplaces.

OSHA says that falls to a lower level are the leading cause of workplace fatalities.

More specifically, Bureau of Labor Statistics (BLS) data from 2006 to 2012 show that an average of 261 fatal falls to a lower level occurred annually in general industry. In addition, the same data indicate that an average of 48,379 lost-workday injuries from falls to a lower level also occurred each year. BLS data shows that slips, trips, and falls on the same level were also prevalent during this time constituting more than 125,000 incidents.

OSHA estimates that the new slip, trip, and fall requirements will prevent nearly 30 workplace fatalities and 6,000 lost-workday injuries each year.

Summary of new requirements

OSHA says that fall protection measures in general industry were absent, inadequate, or simply unclear. For example, old Subpart D recognized the use of guardrails as the primary method to protect employees against falls, but did not directly recognize that personal fall protection systems could also provide an effective means for employee protection. As a result, employers struggled with compliance and continue to have questions about fall protection.
Now, employers have the necessary flexibility to decide which fall protection method or system works best in their workplaces. General industry employers can utilize guardrails and handrails, personal fall protection, designated areas, and safety net systems under the new standard. OSHA says that these multiple options will help ensure employees receive a level of fall protection that is both effective and necessary.

Additional changes to Subpart D include a reorganization of the existing rule to make it clearer, necessitating a reformat of the entire subpart. OSHA believes that many employers are already in compliance with many provisions of the final rule; however, the most significant changes cover brand new requirements for a variety of walking-working surfaces. These are summarized below.

Importantly, the new standard incorporates technical information and guidance from American National Standards Institute (ANSI) and other national consensus standards, the National Fire Protection Association’s Life Safety Code, and the International Code Council’s International Building Code. Additionally, the rule increases consistency between construction and general industry standards. It’s these sources which form the basis for new Subpart D.

**Scope and definitions (1910.21)**

OSHA included many of the same terms defined in other general industry, construction, and maritime standards, as well as national consensus standards (e.g., ANSI) in an effort to make the new requirements easier to understand. The final rule also eliminates a number of terms the regulatory text no longer uses (e.g., qualified climber). There are, however, a number of new terms defined, including (but not limited to):

- Anchorage,
- Authorized,
- Designated area,
- Fall hazard,
- Low-slope roof,
- Personal fall arrest system,
- Positioning system,
- Qualified,
- Rope descent system,
- Stepladder and stepstool,
- Travel restraint system,
- Unprotected sides and edges, and
- Walking-working surface.
General requirements (1910.22)

This section maintains many of the same requirements with exception to substantive changes regarding inspection, maintenance, and repair of walking-working surfaces. Employers must now conduct regular inspections to ensure that all walking-working surfaces are in a safe condition for employee use. If a hazardous condition is found, the employer must promptly correct or repair the problem. If the repair can’t be made immediately, the hazard must be guarded to prevent employee use.

Employers must conduct inspections “regularly” and “as necessary” to identify slip, trip, and fall hazards in their workplaces.

Ladders (1910.23)

OSHA has consolidated existing requirements that regulate portable wood, portable metal, and fixed ladders under new 1910.23. The changes cover all ladders (e.g., fiberglass) used in general industry, except those that are designed into a machine or piece of equipment or used only for firefighting or rescue operations. Both general and specific ladder requirements are contained in this section, which covers design, maintenance, and use.

Perhaps the most notable change covers the use of portable ladders. OSHA now requires that when ascending or descending a ladder, employees must maintain three points of contact at all times by:

- Facing the ladder,
- Using at least one hand to firmly grasp the ladder, and
- Not carrying any object or load that could cause them to lose balance and fall.

Employers are required to ensure that every employee follows this climbing technique.

OSHA is also phasing out cages and wells on fixed ladders as the primary means of fall protection. Fixed ladders must now be equipped with ladder safety system or personal fall arrest systems. This means all fixed ladders that currently have a cage or well will need to be modified to meet this new requirement within the next 20 years.

Also covered under this section are mobile ladder stands and mobile ladder stand platforms. OSHA is distinguishing between the two types of mobile ladders by specifying design, construction, and fall protection requirements for each.

Step bolts and manhole steps (1910.24)

Under new Subpart D, OSHA has included the general requirements in the existing Telecommunications Standard for pole steps and manhole ladders. Pole steps and step bolts are covered jointly under the revisions. Also, since many workplaces already have step bolts or manhole steps installed, certain design changes are required on new installations.
Stairways (1910.25)
This new section combines, clarifies, and updates existing requirements and adds new provisions for stairways. OSHA replaced the term “fixed industrial stairs” used in the current standard with the new term “stairways” (which is defined as risers and treads that connect one level with another). The new term does not limit stairways to stairs that have “three or more risers.” Rather, this section applies to all permanently installed stairs regardless of the number of steps.

The agency is permitting the installation of spiral, ship, and alternating tread-type stairs for limited secondary use where it would not be practical to provide a standard stairway.

Dockboards (1910.26)
A new provision requires that dockboards (i.e., bridge plates) be provided with a means, such as edging or curbing, to prevent equipment from running off the edge. This was included in the changes to protect employees from injury in the event that equipment falls off the edge of the dockboard. Also, any transport vehicle onto which a dockboard has been placed must be prevented from moving via wheel chocks, sand shoes, etc. while workers are using them.

While current Federal Motor Carrier Safety Administration (FMCSA) standards contain brake regulations, OSHA explicitly maintains that they have authority over:

- Transport vehicles that do not meet the definition of a commercial motor vehicle (CMV); and
- CMVs not operated in interstate commerce, which includes CMVs that transport materials on private roads or within a work establishment.

As a result, OSHA says that they will enforce the chocking requirements in these situations under new Subpart D.

Scaffolds and rope descent systems (1910.27)
The new rule removes all existing scaffolding requirements and requires employers to comply with the construction industry standards in 1926, Subpart L, “Scaffolds.” Also, OSHA added new requirements for rope descent systems. These are a type of scaffold not previously regulated by either OSHA’s general industry or construction standards.
Fall protection (1910.28)

This is the first of three new sections in Subpart D. A major difference between the new and old requirements is that employers are now able to choose from several options in addition to guardrails in providing fall protection in most cases, including:

- Safety net systems;
- Personal fall protection systems (e.g., travel restraint systems, personal fall arrest systems, positioning systems); and
- Designated areas.

The height at which fall protection must be provided remains at four feet under new Subpart D.

Fall protection systems (1910.29)

Employers who are required to provide fall protection must choose a fall protection measure from the options provided under 1910.28 (unless otherwise specified in the standard). You must then ensure that the chosen system or practice meets the criteria established in 1910.29, “Fall Protection Systems.” In addition, OSHA’s intent is that fall protection systems be installed, permanently where possible, so that the systems are in place and available for use whenever there is a potential exposure to fall hazards.

Personal protective equipment, including fall protection equipment, must be provided by the employer at no cost to the employee.

Training (1910.30)

Training – and retraining when necessary – is required. This is an entirely new requirement under Subpart D. Specifically, employers must train employees who use any type of fall protection system or equipment specific under Subpart D, including (but not limited to):

- Personal fall protection,
- Safety nets,
- Ladder safety systems,
- Rope descent systems,
- Designated areas,
- Dockboards, and
- Ladders (fixed, portable, and mobile).

Specifically, the employee must be able to:

- Recognize fall hazards,
- Know what to do about the hazards, and
- Understand how to use the equipment provided to them for protection.
Training must be developed or prepared and delivered by a qualified person as defined in new Subpart D.

**Personal protective equipment (Subpart I – 1910.140)**

A new section has been added to subpart I, “Personal Protective Equipment,” that provides criteria for personal fall protection equipment. This new section makes general industry standards consistent with existing construction and maritime standards regulating fall protection, as well as current industry practice, and provides clear requirements on fall protection personal protective equipment to employers. Specifically, the new rule outlines requirements for selection, use, testing, inspection, maintenance, and training.

**Critical compliance dates**

The majority of the new requirements are effective January 17, 2017; however, OSHA has extended the compliance dates for a few requirements to:

- Give employers time to get familiar with the new requirements,
- Evaluate changes they may need to make,
- Purchase equipment necessary to comply with the final rule, and
- Develop and present required training.

In addition, the extended compliance dates allow employers to upgrade their fall protection systems as part of the normal “business cycle” or “useful life” of equipment (i.e., cage, well, fixed ladder), which reduces compliance costs.

The following table specifies the amount of additional time OSHA is giving employers to certify anchorages, equip fixed ladders with fall protection, and train workers:

<table>
<thead>
<tr>
<th>Subpart D Section</th>
<th>Compliance Date</th>
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<tbody>
<tr>
<td>§1910.30(a) and (b) – Deadline by which employers must train employees on fall and equipment hazards</td>
<td>May 17, 2017</td>
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<tr>
<td>§1910.27(b)(1) – Certification of anchorages</td>
<td>November 20, 2017</td>
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<tr>
<td>§1910.28(b)(9)(i)(A) – Deadline by which employers must equip existing fixed ladders with a cage, well, ladder safety system, or personal fall arrest system</td>
<td>November 19, 2018</td>
</tr>
<tr>
<td>§1910.28(b)(9)(i)(B) – Deadline by which employers must begin equipping new fixed ladders with a ladder safety system or personal fall arrest system</td>
<td>November 19, 2018</td>
</tr>
<tr>
<td>§1910.28(b)(9)(i)(D) – Deadline by which all fixed ladders must be equipped with a ladder safety system or personal fall arrest system</td>
<td>November 18, 2036</td>
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Conclusion

OSHA says that slips, trips, and falls constitute a significant risk in general industry workplaces. Under the new Walking-Working Surfaces Standard, employers should find the fall protection guidance that they seek to help address these hazards in their workplace. Now is the time to take the necessary steps to ensure that your workplace is in compliance with these new requirements.

About the Author


Jennifer joined J. J. Keller & Associates, Inc. in 1998 with a background in compliance with government regulations and experience in scientific sampling, analysis, research, and reporting. As Editor – Workplace Safety, Jennifer is responsible for providing timely, accurate information and technical support to workplace safety professionals regarding a variety of issues. Her areas of specialty include audits and inspections, incentive programs, walking-working surfaces, emergency eyewashes and showers, and exit routes. In addition to creating content for J. J. Keller publications, Jennifer’s work has been published in ISHN, BIC Magazine, Occupational Health & Safety, and EHS Today, among others.

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