

**National
Association of
Reinforcing
Steel
Contractors**



(703) 591-1870
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National Office
15000 Main Street
P.O. Box 200
Farmingdale, Virginia 22030

December 8, 1994

Barbara Bielaski, Safety Specialist
OSHA
Room N-321
Department of Labor
200 Constitution Avenue, N.W.
Washington, D. C. 20210

Dear Ms. Bielaski:

The purpose of this letter is to request that OSHA issue a clarification as to the fall protection requirements for installation of reinforcing steel (placing rebar) as they may be impacted by OSHA's moving fall protection for placing rebar from Subpart Q to the Subpart M effective February 6, 1995. The requested clarification should focus on the fall protection requirements (if any) for Iron Workers while they are ascending to their place of work (work station) upon vertical assemblies of reinforcing steel being built in place for the construction of vertical walls and columns and moving horizontally on those structures.

We submit that Iron Workers climbing or moving horizontally on the vertical face of rebar assemblies built in place should be exempt from the six foot 100 percent fall protection rule of new Subpart M for the following reasons:

1. There is no history of a problem of falls from vertical walls or column assemblies while they are being constructed in place. In addition, the 1988 Preamble to Subpart Q stated, in part, that "no additional requirements were needed in this subpart to protect employees while they erect reinforcing steel."
2. We are not aware that citations have been given for Iron Workers climbing and moving point to point under the Fall Protection Provisions of Subpart Q.
3. Under the circumstances described Iron Workers are climbing or moving on what is the equivalent of a ladder of reinforcing steel.
4. There is a greater hazard or it is infeasible to provide 100 percent fall protection for Iron Workers while they are ascending rebar walls and rebar column assemblies that are being constructed in place.

When Iron Workers carry rebar up a wall they are building, they do so on their upper arms while using their hands and feet to climb. It is virtually

Barbara Bielaski, Safety Specialist
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impossible to do this and reach down to undo a lanyard (when double lanyards are used). Further, a positioning device (wall hook or chain) is approximately 18 to 20 inches in length. Hooking and unhooking these devices for each move also would create a greater hazard when moving up and across these vertical assemblies.

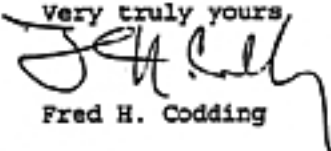
Those working on ladders, scaffolds, pile drivers, telephone poles with lag bolt rungs and other stationary devices are permitted to climb unencumbered and without fall protection to their point of work where they then tie off. Designated climbers are permitted to ascend unencumbered and without fall protection to their work station where they then tie off in these and other analogous work activities.

We recognize and continue to support the requirement that when Iron Workers reach their work stations they must be tied off at all times. We also agree with those OSHA representatives who have stated that they have not experienced a problem with this. Based on the fact that there is no history of falls by Iron Workers while climbing these wall and column assemblies, we request that OSHA's clarification address paragraph 1926.501(5) formwork and reinforcing steel clearly stating that Iron Workers are not required to be tied off while climbing or moving horizontally, but shall be protected from falling 6 feet or more during all times while at their work station.

We respectfully wish to emphasize the urgency of this request for clarification. Our contractors need a clear and unambiguous understanding of the fall protection requirements for Iron Workers under all circumstances and most especially in this gray area while ascending and moving from point to point.

In the event additional study is needed before the February 6, 1995, effective date for Subpart M, it is requested that an administrative stay of the reinforcing steel provisions be issued as was discussed in our earlier meeting. We are available to assist in any way possible.

Very truly yours,



Fred H. Coddling

FHC/pls

cc: Members, National Safety Council for
the Reinforcing Steel Industry

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the Attention of:

DEC 23 1994

Mr. Fred H. Coddling
National Association of Reinforcing
Steel Contractors
10382 Main Street
Post Office Box 280
Fairfax, VA 22030

Dear Mr. Coddling:

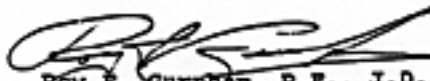
Your December 8 letter addressed to Ms. Barbara Bielaski requesting an interpretation of the Occupational Safety and Health Administration's (OSHA) final rule addressing fall protection during rebar assembly construction has been forwarded to the Office of Construction and Maritime Compliance Assistance for response.

With regard to whether paragraph 1926.501(b)(5) of the final rule on subpart M applies to employees while moving vertically and/or horizontally on the vertical face of rebar assemblies built in place, please be advised that fall protection is not normally required when employees are moving. OSHA considers the multiple hand holds and foot holds on rebar assemblies as providing similar protection as that provided by a fixed ladder. Similarly, no fall protection is necessary while moving point to point for heights below 24 feet.

As is required by the fixed ladder standard, an employee must be provided with fall protection when climbing or otherwise moving at a height more than 24 feet. Other provisions of the ladder requirements might have application, however, many would be treated on a de minimis basis.

If we can be of any further assistance please contact me or Mr. Dale Cavanaugh of my staff at (202) 219-8136.

Sincerely,



Roy F. Gurnham, P.E., J.D.
Director
Office of Construction and
Maritime Assistance



MAY 19 1997

Mr. Fred H. Coddling
National Association of
Reinforcing Steel Contractors
10382 Main Street
P.O. Box 280
Fairfax, VA 22030

and

Mr. Stephen D. Cooper
Executive Director
International Association of Bridge, Structural
and Ornamental Iron Workers
1750 New York Avenue, N.W., Suite 400
Washington, D.C. 20006

Dear Messrs. Coddling and Cooper:

This is in response to your letters of July 18, and August 5, 1996, in which you requested an interpretation of the Occupational Safety and Health Administration's (OSHA) policy regarding fall protection for employees climbing or moving on preassembled reinforcing steel assemblies.

Through the promulgation of the existing standard, §1926.501(b)(5), OSHA clearly indicates that Subpart M applies to construction work performed on vertical surfaces, such as rebar structures. In response to your December 1994 presentation of information, the Agency issued a letter acknowledging that fall protection is not necessary for employees climbing or moving on built-in-place rebar assemblies at heights below 24 feet.

OSHA has completed its review of the materials submitted regarding the preassembled rebar assemblies. Those submissions have raised issues which indicate that the Agency should reevaluate §1926.501(b)(5) to ensure that the standard addresses appropriate fall protection for employees working on preassembled rebar assemblies.

OSHA will soon be initiating further rulemaking on Subpart M and will raise an issue regarding fall protection for employees performing construction work on either built-in-place or preassembled rebar assemblies. The Agency will seek additional information regarding safe industry practice, including any experience in using fall protection systems or alternative measures on rebar assemblies. The requirements of §1926.501(b)(5) will be based on the record produced through this rulemaking.

Pending the completion of supplemental rulemaking, OSHA will not cite violations of §1926.501(b)(5) for employees climbing or moving on rebar assemblies. In lieu of complying with §1926.501(b)(5), the Agency will allow the construction industry to continue current practices for work on rebar assemblies.

Employers are still required to protect employees working on rebar assemblies from fall hazards [as provided in §1926.501(b)(5)] once those employees have reached their work stations or have moved to points at least 24 feet above a lower level.

We look forward to your participation in the future rulemaking on the rebar topic and, as always, thank you for your interest in the safety of the construction workers of America. If we can be of any further assistance, please contact us by writing to the Office of Construction Standards and Compliance Assistance, U.S. Department of Labor - OSHA, 200 Constitution Avenue, N.W., Room N3621, Washington, D.C. 20210.

Sincerely,



Russell B. Swanson, Director
Directorate of Construction

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the Attention of:

DEC 23 1997

Mr. Fred H. Coddling
National Association of
Reinforcing Steel Contractors
10382 Main Street
P.O. Box 280
Fairfax, VA 22030

Dear Mr. Coddling:

This is in response to your telephone conversation with a member of my staff on December 22, 1997, regarding the use of body belts as part of a positioning device system.

The Occupational Safety and Health Administration's (OSHA) subpart M defines a positioning device system as follows:

Positioning device system means a body belt or body harness system rigged to allow an employee to be supported on an elevated vertical surface, such as a wall, and work with both hands free while leaning.

As of January 1, 1998, the use of a body belt as part of a personal fall arrest system will be prohibited; however, it is acceptable to use a body belt as part of a positioning device system. ✓

If you require any further assistance, please do not hesitate to contact us again by writing to:
Directorate of Construction - OSHA Office of Construction Standards and Compliance
Assistance, Room N3621, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sincerely,


Russell B. Swanson, Director
Directorate of Construction

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Standard Interpretations

03/10/2004 - Fall protection is not required where there is no feasible means of providing it while working on vehicles or trailers.

[Standard Interpretations - Table of Contents](#)

• Standard Number: 1926.500; 1926.501(b)(1); 1926.95(a)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

March 10, 2004

Mr. Timothy J. Batz, CSP, ARM
Sr. Risk Control Consultant
IMA
1550 17th Street, Suite 600
Denver, CO 80202-2423

Re: Whether fall protection is required for employees working on vehicles and trailers; 29 CFR 1926.500; General Duty Clause

Dear Mr. Batz:

This is in response to your letter dated January 26, 2004, to the Occupational Safety and Health Administration (OSHA). We have paraphrased your question as follows:

Question: Does an employer have a duty to provide fall protection to employees exposed to fall hazards in excess of 6 feet when they climb on top of materials on a tractor trailer rig to connect crane rigging for the purpose of loading and unloading of the materials?

Answer

Under 29 CFR 1926.501(b)(1), employers must provide fall protection to each employee on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is 6 feet or more above a lower level. However, §1926.500 defines a walking/working surface as:

Any surface, whether horizontal or vertical on which an employee walks or works, including, but not limited to, floors, roofs, ramps, bridges, runways, formwork

and concrete reinforcing steel but not including ladders, vehicles, or trailers, on which employees must be located in order to perform their duties.
[Emphasis added.]

Under the terms of the standard, fall protection is not required for employees who are on vehicles and trailers when the employee must be on the vehicle or trailer to perform his or her duties. If the employee must climb on the tractor trailer rigs to connect the rigging for loading and unloading by a crane, the employer would not have a duty to provide fall protection under this standard.

Section 5(a)(1) of the Occupational Safety and Health Act ("General Duty Clause") states that each employer:

...shall furnish to each of his [or her] employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his [or her] employees.

29 CFR 1926.95(a) requires the use of protective equipment:

[W]herever it is necessary by reason of hazards...encountered in a manner capable of causing injury or impairment...

No duty exists to provide fall protection under the General Duty Clause or §1926.95(a) where there is no feasible means of providing it. For the type of work you describe, there typically is no feasible means of providing fall protection.

If you need additional information, please contact us by fax (202-693-1689) at: U.S. Department of Labor, OSHA, Office of Construction Standards and Guidance. You can also contact us by mail at U.S. Department of Labor, OSHA, Office of Construction Standards and Guidance, Room N3468, 200 Constitution Avenue, N.W., Washington, D.C. 20210, although there will be a delay in our receiving correspondence by mail.

Sincerely,

Russell B. Swanson, Director
Directorate of Construction