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Window Cleaning Specialists
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Attention: Service One clients, building owners, managers and affected parties

**RE: DEPARTMENT OF LABOR, Occupational Safety and Health Administration (OSHA)
Updated Final Rule 29 CFR Part 1910 “Walking-Working Surfaces and Personal Protective
Equipment” (Fall Protection Systems)**

On November 18, 2016 OSHA released the new final rule for the above titled regulation. OSHA has been working on certain revisions to the above standard for decades, and it becomes effective on January 17, 2017. This new rule has far reaching implications for building owners and managers, as well as window cleaners and other façade maintenance contractors.

The following is a general summary of the changes:

1. OSHA has published its revised and updated general industry standard on walking-working surfaces to prevent and reduce workplace falls, as well as other injuries and fatalities associated with window cleaning, including rope descent systems (RDS) or manually controlled bosun’s chairs, and suspended scaffold work.
2. Significant changes are included for property managers, building owners and their agents in reference to fall protection and suspended access activity. Sections 1910.27 (b)(1) (i)(ii) and (iii) require that building owners must identify, inspect, test, certify, and maintain anchorages for both new and existing buildings, and must have these anchorages re-certified as necessary, at a minimum of every 10 years. Anchorages for fall protection, suspended scaffold work, and RDS work, whether they are eye bolts, davit arms, monorail trolley systems, or horizontal life line systems, are all included. Building owners must provide written verification to the contractor that they have identified, tested, certified, and maintained (inspected annually) these anchorages before RDS or suspended scaffolds are used.

Contractors (window cleaners and building maintenance workers) are not permitted to secure any lines** to an anchorage on a building until the written information is provided by the building owner. These two requirements must be implemented no later than November 20, 2017.

****Editorial note**, this includes other temporary support devices that the lines are secured to; including cornice hooks and clamps, “roof rigs,” counter weighted beams and rolling outrigger systems.

3. The rule codifies a 1991 OSHA memorandum that permits employers to use Rope Descent Systems (RDS) aka “manually controlled bosun’s chairs”, the primary method of access for most window cleaning companies.

This first update in over 25 years to the only OSHA requirements for RDS can be a dramatic shock for many building owners, especially when you consider that since 1991 RDS has fundamentally been governed by a two-page OSHA memorandum, which referenced an outdated voluntary ANSI Standard. In this final rule, OSHA has resolved many questionable rigging practices by requiring separate and independent permanent anchorages for each

suspended worker, as well as adding a 300 foot height limit for the use of RDS, unless the exception to heights over 300 feet can be justified from a safety standpoint.

4. Harmonization between general industry and construction rules is another change. The final rule, similar to the construction scaffold rules, defines a scaffold as a “temporary elevated or suspended platform and its supporting structure, including anchorage points, used to support employees, equipment, materials, and other items”. OSHA is proposing that general industry complies with the construction industry’s scaffold standards in 29 CFR 1926(Subpart L). By requiring employers in general industry to comply with the construction scaffold standards, consistency will be achieved as well as a decrease in any confusion that would likely arise if the standards were different between these two industries.

Specifically, the rule updates general industry standards addressing slip, trip, and fall hazards (Subpart D), and adds a new section specifying requirements for personal fall protection systems (Subpart L).

Compliance Requirements and Action

With very short time frames to comply, the impact will be greatest for both building owners and the contractors that service them. The ANSI I14.1-2001 defines this relationship as a “shared responsibility”. OSHA stated in their published preamble of the regulations that *“Only when building owners take responsibility for anchorages and provide written information to employers and contractors, can there be adequate assurance that workers will be safe when they use RDS or other suspended access such as swing stages”*.

Building owners can no longer ignore the fact that certain roofs need anchorages, and window cleaners cannot tie off to structures that haven’t been tested and designated as safe.

The following are key requirements:

1. The building is responsible for providing designated, permanent anchorages and accompanying inspection documentation, as well as a “Letter of Assurance” to the “Contractor” before any work begins. OSHA now requires that the employer obtains written information that the building owner identified, tested, certified, and maintained each anchorage and verifies it is capable of supporting at least 5,000 pounds in any direction, for each attached worker.
2. Building owners must provide written assurances to the service contractor or employer that the anchorage system has been inspected and certified by a “qualified” person.

OSHA also acknowledges that its powered platforms standard contains a requirement similar to the final rule (§ 1910.66(c)(4)). *The employer must keep the written information supplied from the building owner for the duration of the job.*

Conversely, the façade maintenance or window cleaning contractor is also responsible for providing trained, certified, and competent employees, and equipment that is safe and has been inspected in accordance with the final rule and other compliance standards.

3. **RDS** - The new standard also recognized that it has been over 25 years since OSHA’s 1991 Patricia Clarke memorandum allowed the use of RDS, provided they are secured to “sound

anchorages". However, the agency also addressed other important concerns and clarifications:

- A. Stabilization and tool lanyards to prevent public injury- OSHA understands that suction cups are widely used and accepted by employers and workers who use RDS, because the devices have a track record of being effective and economical, and typically have caused only a few isolated cases of window breakage.
- B. OSHA retained the RDS height limit of 300 feet (continuous) in the final rule because the I-14.1-2001 national consensus standard included the same limit. OSHA believes the national consensus standard reflects industry best practices.
- C. OSHA believes proper rigging of RDS equipment is essential to ensure that the system is safe for workers to use, giving particular emphasis to providing tiebacks when using counter weights, cornice hooks, or similar non-permanent anchorages.
- D. OSHA believes the performance-based approach in the final rule assures that employers have maximum flexibility in meeting the requirement to secure equipment (e.g., tools, squeegees, buckets) that workers use.
- E. One challenge is that exemption criteria for using RDS on heights above 300 feet, and any processes to obtain a variance, currently do not exist on OSHA's site. Service One, Inc. is the inventor of the Tool Bungee, a tool lanyard that has been used by the industry to keep the public safe from falling tools for over 21 years.

Deadlines for Compliance

Most provisions of the rule took effect 60 days after its publication date, on January 17, 2017. Others have a phase-in period for compliance;

1. In final paragraph (b)(1)(iii), OSHA requires that employers and building owners must identify, inspect, test, certify, and maintain each anchorage by the compliance date of November 20, 2017.
2. The rule requires employers to protect workers 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, scaffolds, slaughtering platforms, fixed and portable ladders, as well as mobile ladder stands and platforms. Employers must insure that exposed workers are trained and retrained as necessary on fall hazards and fall protection systems covered by the final rule within 6 months (May 17, 2017).
3. Employers must equip **existing** fixed ladders that extend more than 24 feet with a cage, well, ladder safety system, or personal fall arrest system by November 19, 2018.
4. Employers must equip **new** fixed ladders that extend more than 24 feet with a ladder safety or personal fall arrest system beginning on November 19, 2018. A cage or well will no longer be compliant on newly installed ladders.
5. Employers must install a ladder safety or personal fall arrest system on **all** fixed ladders that extend over 24 feet by November 18, 2036.

Conclusions

According to OSHA, the rule incorporates advances in technology, industry best practices, and national consensus standards to provide effective and cost-efficient worker protection. “The final rule will increase workplace protection from those hazards, especially fall hazards, which are a *leading cause of worker deaths and injuries*,” said Assistant Secretary of Labor for Occupational Safety and Health David Michaels, PhD, adding, **“OSHA believes advances in technology and greater flexibility will reduce worker deaths and injuries from falls.”**

The agency estimates this rule will prevent 29 fatalities and 5,842 lost-workday injuries every year.

Service One’s Expertise

For over 33 years, Service One and Service One Access have been involved in the installation, layouts, inspection, use and testing of fall protection systems, including davits and anchorages. An industry leader in training and consulting for high tech access equipment, we are experts in the codes and standards that govern work at heights.

Service One Access works with many of the leading engineering firms and anchor manufacturers, and as authorized anchorage installers, we can assist with proof testing, design layouts and retrofiting.

We are available to review your site conditions to make practical compliance recommendations and provide real solutions.

For more information, please contact Tom Trinen, President of Service One, Inc. at tom@glass-metal.com, or call him at 800-298-7990.

OSHA Fact Sheet on the Final Rule: <https://www.osha.gov/Publications/OSHA3903.pdf>