

Technical Amendment
November 10, 2022
EDUCATION AND LABOR
(Technical Amendment)

803 KAR 2:412. Fall protection.

RELATES TO: KRS 338.015, 338.031, 338.051, 338.061, 29 C.F.R. 1926.500-1926.503

STATUTORY AUTHORITY: KRS 338.051(3), 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) and 338.061(1) require the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations. This administrative regulation establishes standards to be enforced by the Division of Occupational Safety and Health Compliance relating to fall protection in the construction industry. This administrative regulation requires employers to comply with federal standards except for certain limited residential construction activities. When engaged in those limited activities, employers may choose compliance options not provided in the federal standards.

Section 1. Definitions.

- (1) "C.F.R." means Code of Federal Regulations.
- (2) "Employee" is defined by KRS 338.015(2).
- (3) "Employer" is defined by KRS 338.015(1).
- (4) "Fall restraint system" means a system that:
 - (a) Is used to prevent an employee from falling any distance consisting of an anchorage, connectors, and body belt or harness; and
 - (b) May include, lanyards, lifelines, or rope grabs designed for that purpose.
- (5) "Guardrail system" is defined by 29 C.F.R. 1926.500(b).
- (6) "Leading edge" is defined by 29 C.F.R. 1926.500(b).
- (7) "Personal fall arrest system" is defined by 29 C.F.R. 1926.500(b).
- (8) "Platform" is defined by 29 C.F.R. 1926.450.
- (9) "Rake edge" means the roof edge at the gable end of a structure.
- (10) "Residential construction" means construction work on a stand-alone single family dwelling, duplex, threeplex, or fourplex structure.
- (11) "Roofing work" is defined by 29 C.F.R. 1926.500(b).
- (12) "Safety monitoring system" is defined by 29 C.F.R. 1926.500(b).
- (13) "Safety net system" means a system used in accordance with 29 C.F.R. 1926.502(c).
- (14) "Slope" means the roof vertical rise in inches for every horizontal twelve (12) inch length, with:
 - (a) The horizontal twelve (12) inch length referred to as the run;
 - (b) The slope referred to as pitch; and
 - (c) The slope expressed with the rise (vertical) mentioned first and the run (horizontal) mentioned second, such as "4 in 12" or "4 on 12" and written as "4 in 12" or "4:12" or "4/12."
- (15) "Standard" is defined by KRS 338.015(3).
- (16) "Three (3) points of contact" means either:
 - (a) One (1) hand and both feet; or
 - (b) One (1) foot and both hands.

Section 2.

- (1) The construction industry shall comply with the following federal regulations, except as modified by the definitions in Section 1 and requirements in Section 3 of this administrative regulation:
 - (a) 29 C.F.R. 1926.500 through 29 C.F.R. 1926.501(b)(12), revised July 1, 2016; and

- (b) 29 C.F.R. 1926.501(b)(14) through 29 C.F.R. 1926.503, revised July 1, 2016.
- (2) An employer may utilize Appendices A, B, C, D, and E to Subpart M of 29 C.F.R. Part 1926, revised July 1, 2016, except the Sample Fall Protection Plan for Residential Construction found in Appendix E.
- (3) The Non-Mandatory Sample Fall Protection Plan for Residential Construction may be used and is incorporated by reference in Section 4 of this administrative regulation.

Section 3. Residential Construction.

(1) General.

- (a) While engaged in residential construction activities, each employee working six (6) feet or more above a lower level shall be protected by guardrail systems, safety net systems, personal fall arrest systems, or a measure provided in this section.
- (b) The employer shall use a measure that meets the criteria established in this section and shall not be required to demonstrate that it is infeasible or creates a greater hazard to use guardrail systems, safety net systems, or personal fall arrest systems before using a measure provided in this section.
- (c) If an employer can demonstrate that it is infeasible or creates a greater hazard to use guardrail systems, safety net systems, personal fall arrest systems, or a measure established in this section, the employer shall develop and implement a written fall protection plan which meets the requirements of 29 C.F.R. 1926.502(k) for a particular workplace situation in lieu of implementing guardrail systems, safety net systems, personal fall arrest systems, or a measure provided in this section.

(2) Floor system.

(a) Each employee engaged in residential construction floor system work exposed to a fall hazard six (6) feet or more above a lower level to the exterior of the structure being constructed shall be protected by guardrail systems, safety net systems, personal fall arrest systems, or personal fall restraint systems.

(b) Each employee engaged in residential construction floor system work exposed to an interior fall hazard six (6) feet or more above a lower level shall be protected by guardrail systems, safety net systems, personal fall arrest systems, personal fall restraint systems, or, if the floor joists or trusses are eighteen (18) inches on center or less, the measures established in this paragraph.

1. The first joist or truss shall be placed into position and secured by workers on the ground, from ladders, or from a scaffold system.
2. Successive joists or trusses shall be placed into position and then secured from a secured temporary platform.
3. The temporary platform shall be at least eighteen (18) inches wide and secured.
4. The employee performing the work shall work from the platform and remain on the platform.

(c) Each employee engaged in leading edge residential construction floor system work six (6) feet or more above a lower level shall be protected by guardrail systems, safety net systems, personal fall arrest systems, personal fall restraint systems, or, if the floor joists or trusses are eighteen (18) inches on center or less, the measures established in this paragraph.

1. The first row of floor sheathing shall be placed into position, installed, and secured from the ground, from ladders, from a scaffold system, or from a secured temporary platform at least eighteen (18) inches wide.
2. The employee performing the work shall work from the platform and remain on the platform.
3. After the first row of sheathing has been installed and secured, only employees performing the installation shall work from the established and secured deck or from a secured temporary platform at least eighteen (18) inches wide.

4. After two (2) rows of sheathing have been installed, only the employee performing the installation shall work from the established and secured deck or from a secured temporary platform at least eighteen (18) inches wide.

5. All other employees shall remain at least four (4) feet away from the leading edge.

(3) Roof system.

(a) Each employee engaged in residential construction roof truss or rafter work six (6) feet or more above a lower level shall:

1. Be protected by guardrail systems, safety net systems, personal fall arrest systems; or

2. Personal fall restraint systems or implement the measure established in paragraph (b) of this subsection.

(b) The employee releasing the hoist line or installing the bracing shall:

1. Move or work from within the webbing of the truss or within the rafters on a secured temporary platform at least eighteen (18) inches wide; or

2. Maintain three (3) points of contact while moving or working within the webbing of the trusses or within the rafters.

(c) Employees shall not move or work outside the webbing of the trusses or outside the rafters unless utilizing a personal fall arrest system or personal fall restraint system.

(d) Each employee engaged in residential construction attic work six (6) feet or more above a lower level shall be protected by guardrail systems, safety net systems, personal fall arrest systems, personal fall restraint systems, or the measures established in this paragraph.

1. Each employee shall move or work from within the webbing of the trusses or within the rafters on a secured temporary platform at least eighteen (18) inches wide.

2. Each employee shall remain on the platform while performing the work.

(4) Roofing work.

(a) Supplies or materials shall not be placed or stored within six (6) feet of the roof edge.

(b) An employee shall not ascend, work on, or descend the roof within six (6) feet of the rake edge except while applying or removing roofing materials or equipment.

(c) Warning line systems.

1. Each employee engaged in residential construction roofing work six (6) feet or more above a lower level on roof slopes three (3) in twelve (12) or less shall be protected by guardrail systems, safety net systems, personal fall arrest systems, personal fall restraint systems, or a combination of warning line system and guardrail system, warning line system and safety net system, warning line system and personal fall arrest system, warning line system and personal fall restraint system, or warning line system and safety monitoring system. On roofs fifty (50) feet or less in width, a safety monitoring system alone may be used. Appendix A to Subpart M of 29 C.F.R. Part 1926, revised July 1, 2005, may be used as a guideline to determine roof width.

2. Each employee performing residential construction roofing work between a roof edge and a warning line shall be protected by guardrail systems, safety net systems, personal fall arrest systems, or personal fall restraint systems.

Section 4. Incorporation by Reference.

(1) A "Non-Mandatory Sample Fall Protection Plan for Residential Construction", August 2005, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Education and Labor Cabinet, 500 Mero Street, 3rd Floor, Frankfort,

Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's Web site at www.labor.ky.gov.

(16 Ky.R. 1102; eff. 12-15-1989; 17 Ky.R. 3516; eff. 8-2-1991; 21 Ky.R. 2270; eff. 4-20-1995; 22 Ky.R. 1739; 2002, eff. 5-16-1996; 28 Ky.R. 2248; eff. 6-14-2002; 32 Ky.R. 740; 1093; eff. 1-6-2006; 37 Ky.R. 1061; 1434; eff. 1-3-2011; TAm eff. 9-8-2011; 40 Ky.R. 2845; 41 Ky.R. 271; eff. 9-5-2014; 43 Ky.R. 106; 985; eff. 1-6-2017; TAm eff. 11-10-2022; Cert eff. 1-5-2024.)

FILED WITH LRC: November 10, 2022