

# **UPDATED Enforcement Policy for Residential Fall Protection**

## **Background**

The revised [CSHD-COM-04-1R1, Residential Fall Protection Compliance Criteria](#), went into effect June 16, 2011. Under the revised instruction, employers engaged in residential construction activities must comply with [Part 45 - Fall Protection](#), Rule 1926.501(b)(13). If the employer can prove infeasibility or a greater hazard, they are allowed to implement a fall protection plan. The plan must be in writing and site-specific. The definition of “residential construction” was also revised and only applies to construction work meeting both of the following elements:

- 1) The end-use of the structure being built must be as a home, i.e. a dwelling.
- 2) The structure being built must be constructed using traditional wood frame construction materials and methods.

On April 4, 2011, MIOSHA and the Michigan Home Builders Association launched a Residential Fall Protection Initiative with the purpose of working together to provide training and help residential builders come into compliance with 1926.501(b)(13) and the revised instruction.

## **Updated Enforcement Policy**

To allow the residential industry adequate time and resources to comply with the revised CSHD-COM-04-1R1, Residential Fall Protection Compliance Criteria instruction, MIOSHA will extend the enforcement policy an additional 4 months from December 16, 2011 through April 16, 2012 with the following amended guidelines:

- For inspections where employers are fully in compliance with the former CSHD-COM-04, MIOSHA will issue a Potential Hazard Alert (PHA) addressing the requirements of the revised CSHD-COM-04-1R1 and training. This will apply only to the first inspection. This does not apply in cases of a fatality, catastrophe, or serious injury resulting from a fall during residential construction activities.
- For inspections where employers are attempting to comply with the revised CSHD-COM-04-1R1 by using conventional fall protection systems, however the systems are not fully in compliance; MIOSHA will issue a Potential Hazard Alert (PHA) addressing the requirements of the revised CSHD-COM-04-1R1 and training. This will apply only to the first inspection. This does not apply in cases of a fatality, catastrophe, or serious injury resulting from a fall during residential construction activities.
- For inspections where employers are using a site-specific fall protection plan when conventional fall protection is feasible and does not create a greater hazard, MIOSHA will assist the employer in feasible methods of fall protection that could be used in lieu of the site-specific fall protection plan and issue a Potential Hazard Alert (PHA) addressing the requirements of the revised CSHD-COM-04-1R1 and training. This will apply only to the first inspection. This does not apply in cases of a fatality, catastrophe, or serious injury resulting from a fall during residential construction activities.

LARA is an equal opportunity employer/program.

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## **UPDATED Enforcement Policy for Residential Fall Protection**

- For inspections where conventional fall protection is not in place or employees are not in compliance with the former CSHD-COM-04 or another fall protection plan, MIOSHA will issue appropriate citations.
- No citations will be issued for inspections where employers are using site-specific fall protection plans that appropriately evaluate infeasibility or a greater hazard to use conventional fall protection systems.
- Residential construction employers will be allowed 30 days to correct fall protection violations identified under the new residential fall protection directive. During that time, if such employers are not in compliance at the site or another site, no additional citations or repeat citations shall be issued. This policy does not apply in cases of a fatality, catastrophe, or serious injury resulting from a fall during residential construction activities.

The MIOSHA Consultation Education and Training Division (CETD) will make it a priority to provide assistance to the residential construction industry. Residential fall protection requests for training and on-site visits will be granted the highest priority for CET construction consultants. For assistance, please contact [www.michigan.gov/cetrca](http://www.michigan.gov/cetrca).

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