

South Carolina Department of Labor, Licensing and Regulation
Division of Labor
Office of Occupational Safety and Health
Columbia, South Carolina 29211

OSH Program Directive Number 84-1910.23/1910.132-8/3

Subject: Fall Protection in General Industry; Subarticle 6, Sections 1910.23 (c) (1), (c) (3) and 1910.132 (a).

Standard: Subarticle 6, Sections 1910.23 (c) (1), (c) (3) and 1910.132 (a).

Cross Reference to Federal Standards: 29 CFR 1910.23 (c) (1), (c) (3) and 29 CFR 1910.132 (a).

Background: Decisions by courts and hearing officers concerning employee exposures to falls from elevated surfaces have been inconsistent. As a result, federal OSHA has cited employers for violations of 29 CFR 1910.23 (c) (1) or of Section 5 (a) (1) of the OSH Act when employees have been engaged in various tasks which include inspections, service, repairs and maintenance on elevated surfaces such as, but not limited to, conveyors, tops of machinery and other structures not normally considered “walking and working” surfaces.

- a. Although Subarticle 6, Section 1910.23 (c) (1) requires the safeguarding of “platforms” used by employees, there has been disagreement as to when an “elevated surface” constitutes a platform within the meaning of the standard.
- b. In at least one instance (General Electric Company v. OSHA, 583 F. 2d 61 (2d Cir. 1978)) the court cited the need for increased clarity of definition by OSHA regarding its intended meaning of the term “platform” is deemed to exist, and where the requirements of Subarticle 6, Section 1910.23 (c) (1) apply.

Interpretation: The following interpretations are established for uniform enforcement and application of the guidelines set forth in this directive:

- a. Platforms are interpreted to be any elevated surface designed or used primarily as a walking or working surface, and any other elevated surfaces upon which employees are required or allowed to walk or work while performing assigned tasks on a predictable and regular basis. (See

Subarticle 6, Section 1910.21 (a) (4) for definition of “platform”.)

- b. Predictable and regular basis means employee functions such as, but not limited to, inspections, service repair and maintenance which are performed:
 - 1. At least once every two (2) weeks, or
 - 2. For a total of four (4) man-hours or more during any sequential four-week period (e.g., two (2) employees once every four (4) weeks for two (2) hours equals four (4) man-hours per four-week period).

Guidelines:

The following guidelines are established for the uniform enforcement of Subarticle 6, Sections 1910.23 (c) (1), 1910.23 (c) (3) and 1910.132 (a) regarding employee exposures to falls from elevated surfaces:

- a. Employee exposures to falls from platforms (interpreted in INTERPRETATION section) are regulated by the following OSH standards:
 - 1. Subarticle 6, Section 1910.23 (c) (1), or
 - 2. Subarticle 6, Section 1910.23 (c) (3).
- b. In situations where the safeguarding requirements of Sections 1910.23 (c) (1) and (c) (3) are not applicable because employees are exposed to falls from an elevated surface on other than a predictable and regular basis, personal protective equipment as required by Subarticle 6, Section 1910.132 (a) or other effective fall protection shall be provided.

Effective Date:

This instruction is effective upon receipt and will remain in effect until cancelled or superseded by amendment to the Rules and Regulations.

William M. Lybrand, Director
May 17, 1984