



Reply to the attention of:

AUG 31 2017

Mr. Daniel K. Shipp, President
International Safety Equipment Association
1901 N. Moore St.
Arlington, VA 22209

Dear Mr. Shipp:

Thank you for your January 18, 2017, comments and questions regarding the Occupational Safety and Health Administration's (OSHA) final rule revising and updating the general industry Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) Standards (29 CFR part 1910, subparts D and I). As you know, OSHA published the final rule on November 18, 2016, and it became effective on January 17, 2017.

This response constitutes OSHA's interpretation only of the requirements and questions discussed in your letter and may not be applicable to any questions your correspondence does not address. We apologize for the delay in response.

Issue/Question 1: The final rule requires the gate strength of snaphooks and carabiners be "proof tested" to 3,600 lbs. in all directions (§1910.140(c)(8)). OSHA's requirement differs from American National Standards Institute/American Society of Safety Engineering (ANSI/ASSE) Z359.12-2009, which specifies that these devices be capable of withstanding a minimum load of 3,600 pounds, but does not require testing each snaphook and carabiner. Proof testing the gate strength of each snaphook and carabiner could potentially damage the devices and make them unusable. International Safety Equipment Association (ISEA) does not believe OSHA intended to require gate strength testing of each snaphook and carabiner, and requests that OSHA issue a technical correction or letter of interpretation clarifying the requirement.

Answer: You are correct that OSHA did not intend to require testing the gate strength of each snaphook and carabiner. Rather, OSHA intended to be consistent with ANSI/ASSE Z359.12. Therefore, OSHA intends to issue a technical amendment explaining that the gate strength of snaphooks and carabiners must be capable of withstanding a minimum load of 3,600 pounds without the gate separating from the nose of the snaphook or the carabiner body by more than 0.125 inches.

Issue/Question 2: The final rule requires that a "qualified" person train workers on fall hazards and fall protection equipment (§1910.30(a)(2)). The final rule differs from the OSHA Construction Fall Protection and ANSI/ASSE Z359.2 – 2017, Minimum Requirements for a Comprehensive Managed Fall Protection Program standard. The Construction Fall Protection Standard requires that a "competent person" provide fall protection training (§1926.503(a)(2)).

The ANSI/ASSE Z359.2 – 2017 standard requires that:

- Trainers shall be familiar with the typical falling objects, regulations, standards and the equipment used in the industry they are instructing. The training provided shall be customized to the industry and/or employer according to the needs assessment; and
- Trainers shall evaluate the fall protection knowledge and skills of trainees through written testing and performance assessments (ANSI/ASSE Z359.2 – 2017 (§4.8)).

ANSI/ASSE Z359.2 – 2017 also establishes responsibilities for competent persons, which include:

- Stopping work and taking corrective action to mitigate fall hazards;
- Preparing, updating, reviewing and approving fall protection procedures;
- Specifying the selected fall protection systems that workers must use;
- Verifying that fall protection systems have been installed and inspected; and
- Verifying that training has been completed before allowing an employee to work on elevated walking-working surfaces (ANSI/ASSE 359.2 – 2017 (§4.4)).

Under ANSI/ASSE Z359.2 – 2017, does a fall protection trainer who also is designated as a competent person meet the final rule’s requirements of a “qualified person” who trains workers in fall hazards and fall protection equipment (§1910.30(a)(2))?

Answer: The final rule requires that employers ensure a “qualified person” trains workers about fall hazards and fall protection equipment (§1910.30(a)(2)). The final rule defines qualified person as one who “by possession of a recognized degree, certification, professional standing, or who by extensive knowledge, training and experience has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work or the project” (§1910.21(b)).

Although the final rule’s language on training requirements is not identical to the Construction Fall Protection Standard, OSHA believes the two standards are consistent. The Construction Fall Protection Standard requires that a “competent person”¹ provide fall protection training (§1926.503(a)(2)), but also specifies that the competent person must be “*qualified*” in various aspects of the training’s subject matter (emphasis added). The construction standard’s definition of “qualified” is identical to the final rule (§1926.32(m)).

ISEA also asks whether fall protection trainers in ANSI/ASSE Z359.2 – 2017, who also are a designated competent person at the work site, meet the final rule’s definition of a qualified person who trains workers on fall hazards and fall protection equipment. As ISEA mentioned, §4.8 of ANSI/ASSE Z395.2 – 2017 specifies that trainers must be familiar with typical fall hazards and fall protection equipment. In addition, §5.1.4 of that ANSI/ASSE standard requires that trainers conducting fall protection and rescue training meet the requirements in ANSI/ASSE Z490.1-2016 Criteria for Accepted Practices in Safety, Health and Environmental Training. ANSI/ASSE Z490.1-2016 establishes qualifications for safety and health trainers, including

¹ The construction standard defines a competent person as a person who is “capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and has the authorization to take prompt corrective measures to eliminate them” (§1926.32(f)).

subject matter expertise, training experience and delivery skills (§5.1). Specifically, the ANSI/ASSE standard requires that safety and health trainers have “an appropriate level of technical knowledge, skills or abilities in the subjects they teach” (ANSI/ASSE Z490.1-2016, §5.1.1). Explanatory information states that trainers can develop their knowledge, skills, abilities and competence “through training, education and/or experience” (ANSI/ASSE Z490.1-2016, E5.1.1 and E5.1.2), which generally is consistent with the language in the final rule’s definition of qualified person. In addition, ANSI/ASSE Z490.1-2016 includes training qualifications that the final rule does not specifically mention. For example, §5.1.3 of the ANSI/ASSE standard requires that trainers maintain their training skills by participating in continuing education, development programs, or experience related to their subject matter expertise and delivery skills. Also, the ANSI/ASSE standard requires that trainers must be competent in training delivery techniques and methods appropriate to adult learning (ANSI/ASSE Z490.1-2016, 5.1.2). The ANSI/ASSE Z359.2 – 2017 standard also establishes requirements for competent persons, which every employer must have (§4.4). According to §4.4.1 of the ANSI/ASSE standard, a competent person is responsible for the immediate supervision, implementation, and monitoring the fall protection program. Those responsibilities include:

- Conducting a fall hazard survey to identify all potential fall hazards before workers are exposed to them;
- Identifying, evaluating, and imposing limits on workplace activities to control exposure to fall hazards;
- Preparing, updating, reviewing, and approving fall protection procedures, including reviewing and updating procedures when workplace activities change;
- Specifying the selected fall protection systems in written fall protection procedures;
- Verifying that fall protection systems have been installed and inspected;
- Implementing and monitoring rescue procedures;
- Participating in investigation of all falls off elevated surfaces;
- Verifying that fall protection training of each worker has been completed;
- Inspecting fall protection equipment;
- Inspecting damaged equipment; and
- Stopping work immediately and taking prompt corrective measures to mitigate fall hazards if it is unsafe to proceed with the workplace activities (§4.4.2 – 4.4.15).

To carry out those responsibilities, ANSI/ASSE Z359.2 – 2017 requires that competent persons have training that includes:

- Applicable fall protection standards and regulations;
- Surveying fall hazards;
- All equipment and practices applicable to the scope of work;
- Inspecting fall protection equipment components and systems;
- Assessing fall protection systems and components to determine whether they are safe for use; and
- Implementing fall protection and rescue procedures (§5.3).

Looking at the entirety of the trainer and competent person requirements in ANSI/ASSE Z490.1-2016 and ANSI/ASSE Z395.2 – 2017, OSHA will consider that a trainer who is a designated competent person and meets all of the qualifications for trainers and competent persons in ANSI/ASSE standards is a “qualified person” for purposes of the final rule (§§1910.21(b) and 1910.30(a)(2)). The expertise and knowledge that ANSI/ASSE Z490.1 – 2016 (§5) requires fall protection trainers to possess (i.e., subject matter expertise, training experience, and technical knowledge in the subjects they teach acquired through training, education, and/or experience; and participation in continuing education) satisfies the requirement in the final rule that trainers at least have “extensive knowledge, training and experience” in fall protection (§1910.21(b)). In addition, the responsibilities that ANSI/ASSE Z359.2 – 2017 (§4.4) requires competent persons to perform and the extensive training they must have (§5.3) clearly indicates that a competent person has “ability to solve or resolve problems relating to the subject matter, the work, or the project” that the final rule requires (§1910.21(b)).

Thank you for your interest in occupational safety and health. I hope this letter has been helpful in understanding OSHA’s position on the final rule and these subjects. Additional information about the final rule is available on OSHA’s website at <https://www.osha.gov/walking-working-surfaces/index.html>. OSHA’s requirements are set by statute, standards, and regulations. OSHA’s letters of interpretation do not create new or additional requirements; rather they explain the requirements and how they apply to particular circumstances. This letter constitutes OSHA’s interpretation only of the requirements discussed. From time to time, letters are affected when a legal decision impacts a standard or changes in technology affect the interpretation. To assure that you are using the correct information and guidance, please consult OSHA’s website at <http://www.osha.gov>. If you have any further questions, please do not hesitate to contact the Directorate of Enforcement Programs at (202) 693-2100.

Sincerely,



Loren Sweatt
Deputy Assistant Secretary