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• **Standard Number:** [1926.501\(b\)\(10\)](#); [1926.501\(b\)\(1\)](#); [1926.501\(b\)\(2\)](#); [1926.502\(b\)](#); [1926.502\(f\)\(2\)](#)

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January 3, 2005

Mr. Dan Steigerwald  
Safety Consultant  
IMA Community Business  
250 N. Water Street  
600 IMA Plaza  
Wichita, KS 67202

Re: Use of a warning line instead of conventional fall protection; Part 1926 Subpart M.

Dear Mr. Steigerwald:

This is in response to your October 19, 2004, letter to the Occupational Safety and Health Administration (OSHA). You ask for information regarding the application of the fall protection standard, Subpart M, with respect to non-roofing work performed while on a roof. Specifically, you ask for an explanation of OSHA's policy of allowing an employer to protect its employees by implementing a warning line system 15 feet from an unprotected side, edge, or hole during the performance of non-roofing activities.

We have paraphrased your question as follows:

**Question:** My employees are engaged in mechanical work on roofs. For workers engaged in roofing work, §1926.501(b)(10) permits an employer to use a warning line 6 feet back from the edge in combination with a monitor. In a [November 15, 2002, letter of interpretation to Mr. Keith Harkins](#), OSHA stated that a warning line system set 15 feet from an unprotected edge is permitted to be used instead of conventional fall protection to protect employees engaged in non-roofing activities.

Why is it okay to use a warning line with a 6 foot set-back to protect roofers but not okay to use a 6-foot set-back to protect non-roofers? Why does the policy described in the Harkins letter for non-roofers have a set-back of 15 feet rather than 6 feet?

**Answer:** Under §1926.501(b)(1), employees generally must be protected from the fall hazards posed by unprotected sides and edges by the use of conventional fall protection:

(b)(1) *Unprotected sides and edges.* Each employee on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is 6 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.

As discussed in the Preamble to Part 1926 Subpart M (Volume 59 of the *Federal Register*, page 40683), OSHA determined in the rulemaking that there is no safe distance from an unprotected side or edge of a walking/working surface that would render protection unnecessary. However, in the rulemaking for Subpart M, OSHA determined that in certain very limited situations, warning lines are an appropriate means of protection. Section 1926.501(b)(10) sets out the fall protection requirement for roofing work on low slope roofs. Under that section an employer may use a combination of warning lines 6 feet (and in some cases 10 feet) back from the edge in combination with monitors in place of personal fall protection equipment or guardrails. Under §1926.501(b)(2), employers engaged in other specified work, such as leading edge work, precast concrete erection work and residential construction, may develop and implement a site-specific fall protection plan that uses alternative fall protection methods if they can demonstrate the infeasibility of conventional fall protection. As can be seen in the examples given in Appendix E to Subpart M, warning lines 6 feet back from the edge can be used as part of such a plan.

Therefore, the Agency identified in the rulemaking the specific situations where warning lines 6 and 10 feet back from a hole or edge were appropriate substitutes for guardrails, personal fall protection, nets and covers. It would be inappropriate for us to revisit those determinations outside of the rulemaking process and allow warning lines to be used in other circumstances at 6 and 10 feet back. Consequently, it would be inappropriate to apply a *de minimis* policy<sup>1</sup> that would have the effect of extending the provisions for warning lines at 6 and 10 feet to situations other than the limited ones identified in the standard.

In contrast, a question remained about whether a *de minimis* policy on the use of warning lines in areas further back from those specifically addressed in the rule would be appropriate. In our letter of interpretation to [Barry Cole](#), dated May 12, 2000, we stated:

We have now had five years of experience with the application of the rule since it was published in 1994. We continue to

believe that distance alone is ineffective to protect workers from unprotected sides or edges. However, we have determined that, in the area further back from the distances specified for the warning lines permitted under the standard, there is a point that is sufficiently far from the edge or hole to warrant the application of a *de minimis* policy regarding non-conforming guardrails.

At 15 feet from the edge or hole (in the case of a hole, measured from the nearest edge of the hole), a warning line, combined with effective work rules, can be expected to prevent workers from going past the line and approaching the edge. Also, at that distance, the failure of a barrier to restrain a worker from unintentionally crossing it would not place the worker in immediate risk of falling off the edge. Therefore, we will apply a *de minimis* policy for non-conforming guardrails 15 or more feet from the edge under certain circumstances.

We concluded that the use of certain physical barriers that fail to meet the criteria for a guardrail would be considered a *de minimis* violation of the guardrail criteria in §1926.502(b) where all of the following are met:

1. A warning line is used 15 feet or more from the edge (or nearest edge of a hole);
2. The warning line meets or exceeds the requirements in §1926.502(f)(2);
3. No work or work-related activity is to take place in the area between the warning line and the hole or edge; and
4. The employer effectively implements a work rule prohibiting the employees from going past the warning line.

If you need any additional information, please contact us by fax at: U.S. Department of Labor, OSHA, Directorate of Construction, Office of Construction Standards and Guidance, fax # 202-693-1689. You can also contact us by mail at the above office, Room N3468, 200 Constitution Avenue, N.W., Washington, D.C. 20210, although there will be a delay in our receiving correspondence by mail.

Sincerely,

Russell B. Swanson, Director  
Directorate of Construction

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<sup>1</sup> Under OSHA's *de minimis* policy, *de minimis* violations are those that have no direct or immediate relationship to safety or health. Consequently, no citation is issued. [[back to text](#)]

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November 15, 2002

Mr. Keith Harkins  
Safety Manager  
Linbeck/Kennedy & Rossi  
One Maguire Road  
Lexington, Ma 02421

Re: Whether a warning line at 6 feet used to protect roofing workers may also be used to meet fall protection requirements for HVAC construction workers; §1926.502(b)

Dear Mr. Harkins:

This is in response to your letter dated June 10, 2002, to the Occupational Safety and Health Administration (OSHA) requesting clarification on the use of fall protection systems for employees other than roofers, working on low slope roofs. I apologize for the delay in answering your inquiry. We have paraphrased your questions <sup>1</sup> as follows:

**Question (1): Scenario: multiple trades - roofers as well as mechanical trades - are working on a low slope roof. Under §1926.501(b)(10), the roofers can comply with fall protection requirements by using a warning line 6 feet from the edge. In accordance with OSHA's August 1, 2000, letter to Mr. Mark Troxell, the mechanical trades, who are installing HVAC equipment, can work without personal fall protection as long as they stay inside a warning line 15 feet from the edge. Since both roofers and mechanical trades are working on the roof at the same time, is it permissible in this situation for the mechanical trades to use the roofers' warning line that is 6 feet from the edge? We would require the mechanical trades to be trained and required to use fall protection if they were to work between the warning line and the edge. Also, the warning line would comply with the criteria requirements in §1926.502(f). Is this acceptable?**

#### Answer

As explained below, the answer is no.

#### Background

OSHA's fall protection standard for construction, 29 CFR Part 1926 Subpart M (beginning at §1926.500), generally requires fall protection when there is a fall distance of 6 feet or more. In a few, very specific situations (low-slope roof work, some leading-edge work, precast concrete erection and residential construction; see §1926.501(b)(2), (12), and (13)), because of feasibility limitations, the standard permits the use of a warning line, in combination with other measures, instead of conventional fall protection (guardrail systems, personal fall arrest systems or safety net systems) to keep employees away from an edge.

Installation of HVAC equipment does not fall within the categories listed; *i.e.*, leading-edge work, precast concrete erection or residential construction. Therefore, the warning line at the 6-foot option does not apply.

As explained in the August 1, 2000, Troxell letter, where certain conditions are met, the use of a warning line 15 feet back from the edge will be considered a *de minimis* violation of the guardrail criteria in §1926.502(b). The conditions that must be met for the application of this policy are as follows:

1. A warning line is used 15 feet or more from the edge;
2. The warning line meets or exceeds the requirements in §1926.502(f)(2);
3. No work or work-related activity is to take place in the area between the warning line and the edge; and
4. The employer effectively implements a work rule prohibiting the employees from going past the warning line.

Therefore, where these conditions are met, you may use a warning line 15 feet back from the edge to protect the HVAC workers.

#### Applying the policy to your mixed-trades scenario

The fact that the HVAC workers are working on the roof at the same time as the roofing workers does not alter the fact that the standard does not permit the HVAC workers to rely on a warning line at 6 feet from the edge for fall protection. If you believe that use of two warning

lines - one at 6 feet and one at 15 feet -- would be confusing or otherwise unworkable, you can protect the HVAC workers with conventional fall protection equipment and dispense with the 15-foot warning line.

If you need further clarification on this subject, please contact us by fax at U.S. Department of Labor, Directorate of Construction, [Office of Construction Standards and Guidance], #202-6931689. You can also contact us by mail at the above office, Room N3468, 200 Constitution Avenue, N. W., Washington, DC 20210, although due to continuing anthrax decontamination procedures there will be a delay in our receiving correspondence.

Sincerely,

Russell B. Swanson  
Directorate of Construction

Enclosure

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<sup>1</sup>In your second question, you ask, what fall protection options the employer has for protecting a maintenance worker who is working more than 6 feet but less than 15 feet from a roof's edge? Because this question involves the application of the general industry standards, rather than the construction standards, we have forwarded it to the [Directorate of Enforcement Programs] for response. [[back to text](#)]

*[Corrected 7/29/03]*

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