



October 23, 2015

Mr. David Thomas  
Board Chair  
Occupational Safety and Health Standards Board  
2520 Venture Oaks Way  
Suite 350  
Sacramento, CA 95833

Dear Mr. Thomas:

The National Safety Council (NSC) is concerned about the safety and health of all workers and we write you today regarding appropriate fall protection for workers in residential construction.

NSC is a 100 year-old Congressionally chartered safety nonprofit dedicated to saving lives by preventing injuries and deaths at work, in homes, in communities, and on the roads through leadership, research, education, and advocacy. Our more than 13,000 member companies represent nearly 8 million employees at more than 50,000 U.S. worksites.

According to the Bureau of Labor Statistics, in 2014, 25 percent of fatal falls to a lower level occurred at heights between 6-15 feet. California's current requirements allow people working above 6 feet to do so without any fall protection equipment – putting them at risk. This standard is not as stringent as federal Occupational Safety and Health Administration (OSHA) regulations.

“Residential construction.” Each employee engaged in residential construction activities 6 feet (1.8m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure. (29 *Code of Federal Regulations* 1926.501(b)(13))

Additionally, the American National Standards Institute A10.32-2012 standard (Personal Fall Protection for Use in Construction and Demolition Operations) states that “a fall protection system shall be used in all work applications that expose the worker to a fall of 6 feet (1.8m) or greater.”<sup>1</sup>

Construction injury falls to a lower level resulted in 340 fatalities in 2014 and 9,560 injuries involving days away from work in 2013 (latest data available).<sup>2</sup> With the average cost of a workers' compensation claim for a slip or fall in 2011-2012 costing \$43,035,<sup>3</sup> falls likely cost workers' compensation programs more than \$13.5 billion in 2011 alone.<sup>4</sup>

Below is a graph depicting the number of fatal fall and slips in various construction subsectors that occurred in 2013-2014. During this time period, a substantial increase in the number of fatal falls in construction occurred, with a 15.7 percent overall increase in the entire sector.<sup>5</sup>

<sup>1</sup> ANSI/ASSE A10.32 Standard. Accessed from: <http://www.asse.org/assets/1/7/A10-32TechBrief.pdf>

<sup>2</sup> NSC analysis of BLS data

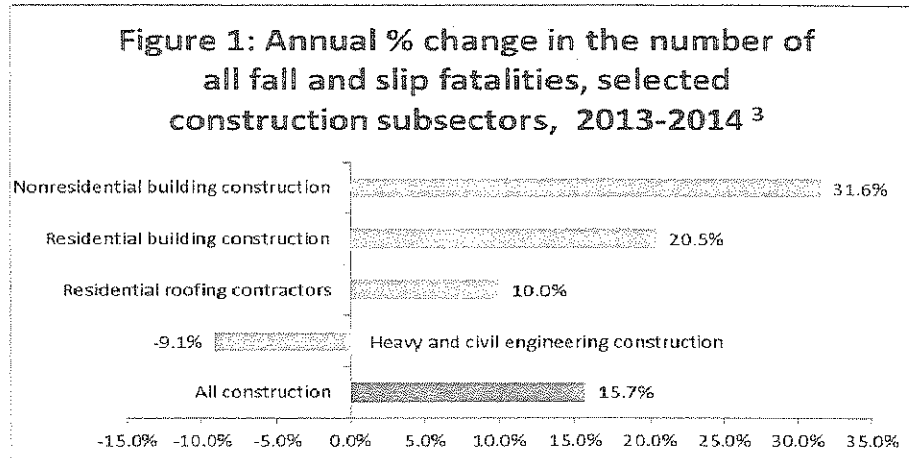
<sup>3</sup> NSC analysis of National Council on Compensation Insurance's (NCCI) Workers Compensation Statistical Plan (WCSP) data

<sup>4</sup> NSC analysis of Liberty Mutual Workplace Safety Index

<sup>5</sup> NSC analysis of BLS CFOI data



Figure 1: Annual % change in the number of fall and slip fatalities, selected construction subsectors, 2013-2014<sup>6</sup>



As a result of the high rate of fall injuries and fatalities in the construction industry, OSHA and the National Institute of Occupational Safety and Health have launched an annual national fall prevention awareness campaign during the first two weeks in May. NSC participates in this initiative and encourages our members to conduct safety stand-downs during the campaign as well. More than 2,000 companies participated nationwide and over one million workers were reached during this year's national stand-down campaign.<sup>7</sup>

Failing to require all construction workers to use fall protection while working at heights greater than six feet can lead to even more fatal falls in California. The Occupational Safety and Health Act requires state plan states' regulations to be at least as effective as federal OSHA standards.<sup>8</sup> The National Safety Council encourages the California Division of Occupational Safety and Health to require fall protection for all construction workers working at heights greater than six feet – lives depend on it.

Thank you for allowing NSC to provide comments to the Advisory Committee meeting.

Sincerely,

Deborah A.P. Hersman  
President & CEO

<sup>6</sup> Ibid

<sup>7</sup> Bunting, Jessica. (2015). The National Campaign to Prevent Falls in Construction Final Report on the 2014 & 2015 Safety Stand-Downs: A Quantitative and Qualitative Analysis of Data Collected from OSHA's Stand-Down Certificate of Participants Database. The Center for Construction Research and Training.

<sup>8</sup> 26 U.S.C. §667(c)(2)