



## JOBSITE SAFETY—NEW DIRECTIVES

February 2013    Volume 7, Issue 1    by Bryce Given



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Two recent safety directives specific to residential construction projects in Washington State affect contractors and homeowners and are critical to safety on jobsites.

### OSHA

The Occupational Safety and Health Administration states that fatalities from falls are the number one cause of workplace death in construction. Over 15 years ago OSHA determined that workers who are working six feet or more above lower levels are at risk for serious injury or death if they should fall. They mandated that to protect these workers employers must provide fall protection and appropriate equipment for the job, including ladders, scaffolds and safety gear. In 1998 OSHA issued standard STD 03-00-001, its Interim Fall Protection Compliance Guidelines for Residential Construction, which permitted employers engaged in certain residential construction projects to use specified alternative methods for fall protection, such as slide guards or safety monitor systems rather than conventional fall protection such as guardrails, safety nets or personal fall arrest systems. Now this standard for fall protection is under review, with a deadline of March 15, 2013 to revise it. When adopted, the new standard (STD 03-11-002) will likely establish that

workers engaged in residential construction six feet or more above lower levels must be protected by conventional fall protection with guardrails, safety nets, personal fall arrest systems or similar methods found within the guidelines. Some alternative methods will be allowed if demonstrated and approved.

To follow this pending fall safety revision and subsequent training information go to <http://www.osha.gov>. Washington State's regulations can be found on Washington's Labor and Industries website at <http://www.lni.wa.gov/safety/topics/atoz/topic.asp?KWID=108>.

### DOSH

The Division of Occupational Safety and Health in the State of Washington (DOSH) has revised the Washington Regional Directive (WRD) 1.19, titled Homeowners as General Contractors. This Directive dated July 3, 2012 affects homeowners who "are acting as the general contractor...in building their own homes". The prior 2006 WRD 1.19 stated in part the following: "Homeowners shall not be considered subject to WISHA for remodeling and other activities not subject to worker's compensation requirements under the provisions of RCW 51.52.020 (2)."

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## JOB SAFETY (cont.)

Under the revised 2012 WRD 1.19, the homeowner's role in such a situation may be considered one as employer as defined in the Revised Code of Washington RCW 49.17.020. An employer is "any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons..."

In addition, RCW 49.17.060 states in part that each employer "shall furnish to each of his or her employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees..." Therefore homeowners who act as general contractors in building their own homes are subject to this RCW.

The revised DOSH Directive 1.19 provides strict guidance for Compliance Safety & Health Officers in issuing homeowner citations for violating safety and health requirements when they are acting as general contractors. DOSH provides free on-site consultation to help contractors and homeowners create safe workplaces and programs, and offers free training and other resources to help prevent, find and fix hazards. Contractors and homeowners should familiarize themselves with the DOSH requirements and programs when undertaking residential construction projects.

The DOSH Directive can be found at <http://www.lni.wa.gov/Safety/Rules/Policies/PDFs/WRD119.pdf>. RCW's can be found on line at <http://www.wa.gov/rcw>.