

State News

California

California Approves Revised Rule For Fall Protection Near Skylights

A revised fall protection rule for California workers laboring within 6 feet of a skylight takes effect July 1, following the standard's recent approval by the state's Occupational Safety and Health Standards Board.

The update makes several significant changes to the state's current rule (Title 8, Section 3212), such as setting specifications for screens and nets installed below skylights and requiring training for workers if their safety depends on nets.

The revision didn't change such fall protection provisions as allowing the use of guardrails and fall protection systems attached to workers.

Proposed in 2012. The revisions were first proposed in a 2012 rulemaking petition to the state standards board from the California Solar Energy Industries Association (61 CLR 598, 8/13/15).

The association, which represents companies that install solar panels, said the old rule was written when many skylights were made from glass not likely to withstand a fall and didn't take into account using passive safety systems such as screens and nets beneath skylights.

With the revision, screens below skylights, such as burglar bars, would be acceptable fall protection measures if the rule's requirements are met. The screens would have to be within 2 feet of the skylight opening, satisfy state strength minimums of being able to hold at least 400 pounds and have grillwork openings of no more than 12 inches.

Also, the skylight itself would be an acceptable fall protection measure if the skylight meets state fall protection strength and weight requirements and the employer has documentation from the manufacturer stating so.

Net Results. Netting underneath skylights would be acceptable if the nets meet rule requirements. The netting mandates include that each net be no more than 12-foot square, have the ability to absorb a 400-pound load dropped from 42 inches above and have a maximum mesh size of no more than 6 inches on any side, the rule says.

If nets are used, they will have to be inspected daily, including a once-weekly check by a competent person.

In addition, employees who may fall into the nets will have to be trained to recognize the hazards of falling into a net.

Underside screens and nets couldn't be used if broken skylight glass or other material could impale a worker who landed on the screen.

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The rule and background information is available at <http://src.bna.com/ehb>.

In Brief

Tennessee Tightens Injury Notice Requirement

Employees in Tennessee will have less time to report an on-the-job injury to be eligible for workers' compensation under a bill (S.B. 2582) signed into law by Gov. Bill Haslam (R) April 28.

Effective July 1, the new law decreases from 30 days to 15 days the period during which a worker must notify an employer in writing about an injury suffered on the job to qualify for workers' compensation. A "reasonable excuse" for failing to meet the deadline will continue to be allowed (Tenn. Code Ann. § 50-6-201).

The reduced timeline also will apply to situations in which injuries occur as the result of gradual or cumulative events or trauma. In such cases, notice has to be given after employees know or reasonably should know they have suffered a work-related injury that has resulted in permanent physical impairment or renders them unable to continue to work.

S.B. 2582 also allows for the payment of employees' attorney fees when an employer fails to provide the appropriate care or medical supplies provided for in a settlement, expedited hearing order, compensation hearing order or judgment, or when an employer wrongfully denies a claim. Text of S.B. 2582 is available at <http://src.bna.com/ekf>.

Kentucky to Consider Fall Protection Revisions

Kentucky could be the next state to adopt federal OSHA's requirement that residential construction workers be protected from falls whenever they are 6 feet or higher above a working surface.

Kentucky's current trigger height for many residential construction activities is 10 feet. The Occupational Safety and Health Administration is pushing for the three state programs that haven't adopted the 6-foot requirement—California, Kentucky and Washington—to comply by the end of 2016 (62 CLR 15, 3/3/16).

The Kentucky Occupational Safety and Health Standards Board will consider amending the state's rule, 803 KAR 2:412, at its annual meeting on May 10, according to the session's agenda. Details of the meeting are available at <http://labor.ky.gov/dows/oshp/Pages/OSH-Standards-Board.aspx>.