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DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

Date: August 30, 2023

To: Nevada Businesses

Re: Guidance for Nevadan Business related to the National Emphasis Program on Falls

On April 24, 2023, Federal OSHA announced the launch of a [National Emphasis Program \(NEP\)](#) to protect millions of workers from injuries related to falls.

On July 13, 2023, Nevada OSHA adopted the NEP in a modified form to reflect local factors. The NEP prescribes the targeting of all construction activities and 10 non-construction activities. Nevada OSHA will expand its initiative to prevent fall hazards throughout all industries. Nevada will conduct outreach for 90 days from August 30, 2023 to November 28, 2023, prior to initiating inspections under this NEP. This NEP shall remain effective until cancelled or modified by a change to the Federal NEP.

Falls have historically been a major workplace safety hazard in Nevada. The following data provides fatal fall statistics compared to all work-related fatalities in Nevada. It shows that fatal falls have accounted for 31-60% of all fatal injuries in the construction industry throughout the last seven years.

Statistics in Nevada

	2015	2016	2017	2018	2019	2020	2021
All Industries - All Ownership							
Total Fatalities	44	54	32	39	40	37	43
Fatal Falls, Slips, Trips	7 (16%)	8 (15%)	7 (22%)	6 (15%)	9 (23%)	8 (22%)	7 (16%)
All Industries - Private Ownership							
Total Fatalities	40	49	26	33	39	33	40
Fatal Falls, Slips, Trips	7 (18%)	7 (14%)	6 (23%)	6 (18%)	9 (23%)	8 (24%)	6 (15%)

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4600 Kietzke Lane,
Building F-153
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(775) 688-3700

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3360 West Sahara Avenue
Suite 200
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Construction Industries - Private Ownership							
Total Fatalities	9	5	5	7	7	9	13
Fatal Falls, Slips, Trips	3 (33%)	- -	3 (60%)	3 (43%)	- -	3 (33%)	4 (31%)

Trigger Heights

Fall protection requirements vary amongst the different industries, for particular processes, and for specific equipment. The following tables list the trigger heights in which fall protection shall be utilized. The information provided below was obtained from 29 CFR 1910 and 29 CFR 1926; click on the associated links below to view the published standards in their entirety.

General Industry (29 CFR 1910.28)	
< 4 feet	Above dangerous equipment – Each employee shall be protected from falling by guardrail system or travel restraint system unless equipment is covered or guarded.
>4 feet	Above dangerous equipment – Each employee shall be protected from falling by either guardrail, safety net, travel restraint, or personal fall arrest system.
4 feet	Unprotected sides and edges; hoist areas; holes; dockboards; runways and similar walkways; openings; stairways; unprotected sides/edges of a stairway landing; rope decent systems slaughtering facility platforms; and walking-working surfaces not otherwise addressed
<6 feet from edge	Work on low-slope roofs – Each employee shall be protected from falling by either guardrail, safety net, travel restraint, or fall protection system when working 4 feet or more above a lower level.
< 10 feet in depth	Repair pits, service pits, and assembly pits – Use of fall protection system is not required provided the employer limits access within 6 feet from the edge of the pit to authorized employees who have been trained.
10 feet	Scaffolding – in accordance with 29 CFR 1926, subpart L
> 24 feet	Fixed ladders
50 feet	Maximum intervals for landing platforms for fixed ladders

Construction (29 CFR 1926.451, 1926.501, 1926.760)	
< 6 feet	Above dangerous equipment - Each employee shall be protected from falling by guardrail systems or equipment guards.
>6 feet	Above dangerous equipment - Each employee shall be protected from falling by guardrail systems, personal fall arrest systems, or safety net systems
6 feet	Unprotected sides and edges; leading edges; hoist areas; holes; formwork and reinforcing steel; ramps, runways and other walkways; excavations; overhand bricklaying and related work; roofing work on low-slope roofs; steep roofs; precast concrete erection; residential construction; wall openings; and walking-working surfaces not otherwise addressed
10 feet	Scaffolding/temporary elevated platforms
15 feet	Steel erection

Duties of Employers

Fall injuries and deaths account for approximately 67% of work-related incidents in the construction industry. Employers are required to assess their workplace(s) to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). Employers shall provide and install all fall protection systems required by this subpart for an employee, and shall comply with all other pertinent requirements of this subpart before that employee begins the work that necessitates the fall protection.

The fall protection training requirements listed below were obtained from 29 CFR 1910 and 29 CFR 1926; click on the associated links below to view the published standards in their entirety.

Training

➤ **General Industry (29 CFR [1910.30](#), [1926.454](#)):**

Before any employee is exposed to a fall hazard, the employer must provide training by a qualified person for each employee who uses personal fall protection systems or who is required to be trained as specified elsewhere in this subpart. Employers must train each employee in at least the following topics:

- The nature of the fall hazards in the work area and how to recognize them;
- The procedures to be followed to minimize those hazards;
- The correct procedures for installing, inspecting, operating, maintaining, and disassembling the personal fall protection systems that the employee uses; and
- The correct use of personal fall protection systems and equipment, including, but not limited to, proper hook-up, anchoring, and tie-off techniques, and methods of equipment inspection and storage, as specified by the manufacturer.
- Equipment hazards:
 - Proper care, inspection, storage, and use of equipment covered by this subpart before an employee uses the equipment
 - Employees who use dockboards - how to properly place and secure it to prevent unintentional movement.
 - Employees who use rope descent systems - proper rigging and use of the equipment in accordance with 29 CFR 1910.27
 - Employees who use a designated area - proper set-up and use of the area

Retraining: Employers must retrain an employee when there is reason to believe the employee does not have the understanding and skill required by paragraphs (a) and (b) of this section. Situations requiring retraining include, but are not limited to, the following:

- When changes in the workplace render previous training obsolete or inadequate;
- When changes in the types of fall protection systems or equipment to be used render previous training obsolete or inadequate; or
- When inadequacies in an affected employee's knowledge or use of fall protection systems or equipment indicate that the employee no longer has the requisite understanding or skill necessary to use equipment or perform the job safely.

➤ **Construction (29 CFR [1926.503](#), [1926.454](#), [1926.761](#)):**

Employers shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and

shall train each employee in the procedures to be followed in order to minimize these hazards.

The employer shall assure that each employee has been trained, as necessary, by a competent person qualified in the following areas:

- The nature of fall hazards in the work area;
- The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;
- The use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used;
- The role of each employee in the safety monitoring system when this system is used;
- The limitations on the use of mechanical equipment during the performance of roofing work on low-sloped roofs;
- The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection; and
- The role of employees in fall protection plans;
- The standards contained in 29 CFR subpart M.

Certification of training: Employers shall verify compliance by preparing a written certification record. The written certification record shall contain:

- The name or other identity of the employee trained,
- The date(s) of the training, and
- The signature of the person who conducted the training or the signature of the employer.

* If an employer relies on training conducted by another employer or completed prior to the effective date of this section, the certification record shall indicate the date the employer determined the prior training was adequate rather than the date of actual training. (The latest training certification shall be maintained.)

Retraining: When there is reason to believe that any affected employee who has already been trained does not have the understanding and skill required, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:

- Changes in the workplace render previous training obsolete; or
- Changes in the types of fall protection systems or equipment to be used render previous training obsolete; or
- Inadequacies in an affected employee's knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

Steel Erection: Employers shall train each employee exposed to a fall hazard in accordance with the requirements of 29 CFR subpart R. Employers shall institute a training program and ensure employee participation in the program. The program shall include training and instruction in the following areas:

- The recognition and identification of fall hazards in the work area;
- The use and operation of guardrail systems (including perimeter safety cable systems), personal fall arrest systems, positioning device systems, fall restraint systems, safety net systems, and other protection to be used;
- The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;
- The procedures to be followed to prevent falls to lower levels and through or into holes and openings in walking/working surfaces and walls; and
- The fall protection requirements of this subpart.

Scaffolding (applies to construction and general industry):

- Employers shall have each employee who ***performs work while on a scaffold*** trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards. The training shall include the following areas, as applicable:
 - The nature of any electrical hazards, *fall hazards and falling object hazards in the work area*;
 - The correct procedures for dealing with electrical hazards and *for erecting, maintaining, and disassembling the fall protection systems and falling object protection systems being used*;
 - The proper use of the scaffold, and the proper handling of materials on the scaffold;
 - The maximum intended load and the load-carrying capacities of the scaffolds used; and
 - Any other pertinent requirements of 29 CFR subpart L.
- Employers shall have each employee who is ***involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold*** trained by a competent person to recognize any hazards associated with the work in question. The training shall include the following topics, as applicable:
 - The nature of scaffold hazards;
 - The correct procedures for erecting, disassembling, moving, operating, repairing, inspecting, and maintaining the type of scaffold in question;
 - The design criteria, maximum intended load-carrying capacity and intended use of the scaffold;
 - Any other pertinent requirements of 29 CFR subpart L.

- **Retraining:** When the employer has reason to believe that an employee lacks the skill or understanding needed for safe work involving the erection, use or dismantling of scaffolds, the employer shall retrain each such employee so that the requisite proficiency is regained. Retraining is required in at least the following situations:
 - Where changes at the worksite present a hazard about which an employee has not been previously trained; or
 - Where changes in the types of scaffolds, fall protection, falling object protection, or other equipment present a hazard about which an employee has not been previously trained; or
 - Where inadequacies in an affected employee's work involving scaffolds indicate that the employee has not retained the requisite proficiency.

Personal Protective Equipment

Workplace Hazard Assessment: Employers are required to assess their workplace(s) to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE). If such hazards are present, or likely to be present, the employer shall elect, and have each affected employee use, the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment; communicate selection decisions to each affected employee; and, select PPE that properly fits each affected employee.

How to File a Complaint

Employees who feel they have been exposed to a hazardous condition in the workplace, have the right to raise their concerns with their employer or to file a complaint with Nevada OSHA. Such a complaint may trigger an inspection of the workplace. An employee who raises concerns with their employer or files an OSHA complaint is protected against retaliation or discrimination for having done so by NRS 618.445 and section 11(c) of the federal Occupational Safety and Health Act, Pub. L. 91-596, 84 Stat. 1590. If an employee files a complaint with Nevada OSHA, their name and contact information will be held as confidential information pursuant to NRS 618.341(3)(a).

To file a complaint, please visit <https://www.osha.gov/workers/file-complaint> or call Nevada OSHA at (702) 486-9020 (southern Nevada) or (775) 688-3700 (northern Nevada).

Assistance Available from Nevada Safety Consultation and Training Section (SCATS)

SCATS is here to help. SCATS is focused on keeping Nevadans safe and healthy while on the job. SCATS offers resources for employers and employees alike, from training to consultation to safety program review. Fall protection is a recognized hazard that should be addressed in each

business's Written Workplace Safety Program (WWSP). SCATS can review and make recommendations on best practices and implementation of an employer's fall protection protocols. We are looking for businesses to partner with during the 90-day outreach period. We can present information on fall protection at safety committee meetings or other training meetings at your worksite or facility. If your business has questions or needs onsite training or consultation, please submit a request by calling 877-472-3368 or submitting a consultation request at <https://www.4safenv.state.nv.us/contact/>.

Nevada Fall Protection Outreach

Free Upcoming Classes Offered by SCATS

- [Fall Protection Regulatory Review](#) – This program reviews the construction regulations 29 CFR 1926. Two classes
- [Walking Working Surfaces](#) – This program covers 29 CFR 1910 Subpart D.

Social Media

Nevada SCATS' will be promoting fall protection on our social media and eblast. To follow the links for more information.

- [Nevada SCATS' Eblast sign-up \(bottom of the webpage\)](#)
- [Facebook](#) 
- [LinkedIn](#) 

References:

Federal OSHA – Fall Protection: <https://www.osha.gov/fall-protection>

National Emphasis Program – Falls:

https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-025.pdf