

Standard Interpretations

/ Enforcement Guidance for General Industry Rope Descent System (RDS) Anchorage Requirements (29 CFR 1910.27(b)(1))

- **Standard Number:** 1910.21(b) ; 1910.27(b)(1) ; 1910.27(b)(1)(i) ; 1910.27(b)(1)(ii) ; 1910.27(b)(1)(iii) ; 1910.27(b)(2)(iv) ; 1910.30 ; 1910 Subpart B ; 1910 Subpart D

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

November 20, 2017

MEMORANDUM FOR:
REGIONAL ADMINISTRATORS

LOREN SWEATT

Deputy Assistant Secretary

FROM:
Thomas Galassi, Director

Directorate of Enforcement Programs

SUBJECT

Enforcement Guidance for General Industry Rope Descent System (RDS) Anchorage Requirements (29 CFR 1910.27(b)(1))

This memorandum provides guidance to Compliance Safety and Health Officers (CSHOs) for enforcing the new RDS anchorage requirements (§1910.27(b)(1)) in the final rule revising the general industry Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) ("Walking-Working Surfaces") standards (29 CFR part 1910, subparts D and I).

OSHA published the Walking-Working Surfaces rule on November 18, 2016, and it became effective January 17, 2017 (81 FR 82494). The rule gave employers and building owners until November 20, 2017, to comply with requirements for inspecting, testing, and certifying Rope Descent System (RDS) anchorages before any worker uses an RDS (§1910.27(b)(1)). However, due to a limited availability of qualified persons to inspect, test, and certify anchorages for RDS use, OSHA is providing employers and building owners additional time to comply with §1910.27(b)(1), provided that employers and building owners can demonstrate and document they are exercising due diligence to come into compliance with the standard's requirements.

RDS suspension systems allow a worker to descend in a controlled manner and stop at any point during the descent to perform a task (§1910.21(b)).¹ RDS generally consist of an anchorage, support rope, descent device, carabiners or shackles, and chair (seatboard)(§1910.21(b)). In the United States, RDS are widely used for building cleaning (including window cleaning), maintenance, and inspection work.

Section 1910.27(b)(1) specifies requirements for RDS anchorages, which are devices installed specifically to support an RDS or fixed structural members of a building, such as posts, beams, girders, and columns that may also serve as RDS anchorages in some cases (81 FR 82511). To ensure RDS are safe for workers to use, anchorages must be capable of supporting the impact forces that the equipment may apply. Therefore, before a worker uses an RDS, §1910.27(b)(1) requires:

(i)

The building owner to inform employers, in writing, that the building owner has identified, tested, certified, and maintained each anchorage so it is capable of supporting at least 5,000 pounds, in any direction, for each worker attached. The information must be based on:

- An annual inspection by a qualified person; and
- Certification by a qualified person as necessary and at least every 10 years.

(ii)

Employers are to ensure that no employee uses RDS anchorages before they have obtained written information from the building owner that each anchorage meets the requirements in §1910.27(b)(1)(i). The employer must also keep that information for the duration of the current job.

As mentioned, the final rule gave building owners and employers until November 20, 2017, to comply with the RDS anchorage requirements (§1910.27(b)(1)(iii)). OSHA has become aware that many building owners have not been able to contract with a qualified person to perform the required tasks and come into compliance by the standard's compliance deadline. In addition, some building owners already may have inspected, tested, and certified RDS anchorages as required by the standard, but the anchorage is now out of compliance due to damage or shock loading, and the building owner is unable to secure services to replace or recertify the anchorage before an RDS is scheduled to be used again.

In such cases, OSHA will evaluate, during relevant inspections, the efforts of both building owners and employers to comply with §1910.27(b)(1). Evaluations will consider a building owner's attempts to initiate inspection, testing, and certification of RDS anchorages. For employers, evaluations will consider alternative protective measures used before anchorages are certified, as well as demonstrated and documented compliance efforts to follow the standard's requirements. Where building owners and employers have sufficiently demonstrated/documentated such efforts, OSHA will exercise, on a case-by-case basis, enforcement discretion to not issue citations under §1910.27(b)(1). To assist CSHOs in conducting these evaluations, the following enforcement guidance is provided.

Inspection Guidance for 29 CFR 1910.27(b)(1)

Building Owners

- CSHOs must review the building owner's written records to determine whether:
 - A qualified person has identified, inspected, tested, and certified each RDS anchorage;
 - The building owner is maintaining each RDS anchorage in compliance with §1910.27(b)(1)(i);
 - A qualified person has inspected each RDS anchorage annually;
 - A qualified person has certified each RDS anchorage as frequently as necessary and at least every 10 years; and
 - The building owner has informed the employer that each RDS anchorage meets the requirements in §1910.27(b)(1)(i).

- CSHOs may contact the qualified person under contract for the inspection, testing, and certification to confirm contract details and test results, if available.

Employers

- The CSHO must review records to determine whether:
 - The employer has obtained information from the building owner that each RDS anchorage meets the requirements in §1910.27(b)(1);
 - The employer has kept information from the building owner throughout the duration of the current job (§1910.27(b)(1)(ii)); and
 - The employer has demonstrated that all other means of performing the task are not feasible or would expose workers to a greater hazard before the employer uses an RDS anchorage that has not been inspected, tested, and certified by a qualified person as complying with §1910.27(b)(1).
- CSHOs should interview employees as part of the overall assessment to determine:
 - The employer's efforts to implement the RDS anchorage requirements in §1910.27(b)(1)(ii);
 - The employer's compliance with the worker training requirements in §1910.30; and
 - The employer's compliance with RDS inspection requirements (§1910.27(b)(2)(iv)).

Citation Guidance for 29 CFR 1910.27(b)(1)

Building Owners

If a building owner, exercising due diligence, is experiencing difficulty acquiring the services of a qualified person to conduct the necessary inspection, testing, and certification due to the limited availability of those services, CSHOs will evaluate progress towards complying with the standard.

At a minimum, OSHA expects that building owners:

- Provide evidence that they have contacted a qualified person to inspect, test, and certify RDS anchorages;
- Provide written evidence of an agreement with a qualified person to provide these services, such as an executed contract or letter of confirmation from the qualified person;
- Provide the Agency with written evidence of the anticipated dates of inspection, testing, or certification, as appropriate;
- Provide evidence that a diligent effort was made to complete RDS anchorage inspection, testing, and certification before work is to begin (for example, by contacting multiple services to determine their availability); and
- Inform employers who may use RDS that the anchorages have not been inspected, tested, and certified.

In cases where there is an agreement to provide the inspection services but the services have not yet been initiated or completed, CSHOs will review the agreement to determine whether the following key elements are present:

- A visual inspection of each anchorage;
- Testing of each anchorage to determine whether it is capable of supporting at least 5,000 pounds, in any direction, for each employee attached;
- Recommendations for and implementation of corrections or replacement of each defective or damaged RDS anchorage;
- Certification that each anchorage meets the requirements in §1910.27(b)(1)(i); and
- A date the contract work will be completed.

Employers

Additionally, employers performing work on buildings may be impacted where building owners experience difficulties in contracting for and completing inspection, testing, and certification of RDS anchorages. In such cases, CSHOs will evaluate the extent of an employer's efforts to comply, including use of other measures to perform work during the delay.

In cases where RDS anchorages have not been inspected, tested, and certified, employers must still obtain information from building owners indicating those tasks have not been performed. Based on the information provided, the employer may choose to use alternative measures or decide not to proceed with work. If employers proceed with scheduled work, they may use alternative means for working at heights, such as, but not limited to, powered platforms, bucket trucks, cranes, and mobile/portable scaffolds. In these cases, CSHOs will evaluate compliance with requirements applicable to operations/equipment used.

Where an employer demonstrates that all other means for safely performing the specific job tasks either are not feasible or would create a greater hazard, they may choose to perform the work using supplemental protective measures (e.g., energy absorbers to limit forces on the anchorages, or nets to provide additional fall protection) with limited use of RDS. For example, if an employer establishes that all other means of accessing heights are not feasible, and decides to use RDS with untested anchorages, the employer may provide nets as a supplemental means of fall protection. In addition, in these cases where the employer chooses limited use of RDS, it must ensure that a qualified person determines that the anchorage, in its current condition, is capable of safely supporting workers, using the following factors:

- A visual inspection of the anchorage, its environment, and supporting structure;
- Any known history of use of the anchorage, including whether the anchorage has previously been exposed to shock loads without retesting the anchorage;
- An evaluation of the strength of the anchorage, or a structure's substantial mass;
- Condition of the anchorage or structure and surrounding and supporting surfaces;
- Angle from the descent line to the anchorage or structure;
- Whether the descent line will be exposed to outside hazards such as moving machinery, sharp edges, and heat; and
- Permanence of the anchorage or structure, and surrounding and supporting surfaces.

Employers also must ensure that the RDS is used under the supervision of a qualified person.

Where the employers or building owners have demonstrated/documented these efforts to comply, OSHA will, on a case-by-case basis, exercise enforcement discretion in issuing citations under §1910.27(b)(1).

All citations for any potential violation of §1910.27(b)(1) shall be reviewed by the Directorate of Enforcement Programs before issuance.

If you have any questions regarding this policy, please contact Sherman Williamson at (202) 693-2051 or Williamson.SR@dol.gov.

¹ An RDS also is called a controlled descent device, but does not include industrial rope access systems (§1910.21(b))
