

NORTH CAROLINA DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
RALEIGH, NORTH CAROLINA

Chapter 7  
Subchapter 7F

CFR Revision 131B  
NC-OSH

Field Information System Part I  
Subpart M; Fall Protection in Construction  
Elimination of Application to Steel Erection Activities

DISCUSSION:

On August 9, 1994, Federal OSHA promulgated the new occupational safety and health standard for Fall Protection in Construction at Subpart M of 29 CFR 1926. The Division of Occupational Safety and Health adopted this standard verbatim with a February 6, 1995, effective date.

OSHNC amended this standard, effective July 1, 1995, to require the use of locking snaphooks as part of personal fall arrest systems and positioning device systems. Locking snaphooks must be used in the Construction industry effective July 1, 1995, in North Carolina. The references to and requirements for snaphooks are found at 29 CFR 1926.500(b) [definition for *Snaphook*], 1926.502(d)(5), 1926.502(e)(7) and in Appendix C, Part II(j)(1).

Federal OSHA has now amended Subpart M, *Fall Protection*, **to eliminate the application of this standard to all steel erection activities and to withdraw amendments to Subpart E** so that steel erection may again be cited under Subpart E, *Personal Protective and Life Saving Equipment*. Further, federal OSHA is relying upon a July 10, 1995 Memorandum from James W. Stanley, Deputy Assistant Secretary of Labor re: Fall. Protection in Steel Erection [See Attached]. The memo restates the interim enforcement policy regarding fall hazards in the steel erection industry. It further defines "steel erection activities," "buildings" and "tiered."

ACTION:

These amendments at 29 CFR 1926, Subpart E and Subpart M were adopted verbatim in North Carolina by the Commissioner of Labor with an effective date of October 1, 1995.

**OSHNC is also adopting the enforcement policy as outlined in the Stanley Memorandum.** A copy of the regulatory text from the [Federal Register](#) announcement (Vol. 60, No. 148) and the July 10, 1995 Memorandum are

attached. A copy of the regulatory text from the *NC Administrative Code* is also attached.

Please file this NC CFR Revision in CFR II of your Field Information System.

**NOTE:** Neither the now-correct version of Subpart E nor the amended version of Subpart M is printed in the most recent red-covered editions of the construction standards. You must refer back to the previous beige-covered editions of the standards to find the Subpart E language.

Date: 10/12/1995

Charles N. Jeffress, Director  
Division Of Occupational Safety and Health  
(Signed on Original)

Filing Date: September 28, 1995  
NC Effective Date: October 1, 1995  
Number: 13 NCAC 7F.0201(b)(3) and (b)(5)

## Memorandum to CFR 131B – Fall Protection – Locking Snaphooks

U.S. Department of Labor, Assistant Secretary for Occupational Safety and Health,  
Washington D.C. 20210

The recent decision by OSHA to delay the application of the new Subpart M-Safety Standards for or Fall Protection in the Construction Industry to steel erection activities on non-building structures (it already did not apply to steel erection activities on skeleton steel buildings), and recently expressed confusion about the February 22, 1994 memorandum on steel erection fall protection, have resulted in a need to restate the enforcement policy on fall protection during steel erection activities. Consequently, and in view of the ongoing negotiated rulemaking activities for Subpart R, the February 22, 1994 memorandum is hereby cancelled and the following is a restatement of the interim enforcement policy to be applied to fall hazards in steel erection activities.

Effective immediately and until further notice:

1. New Subpart M does not apply to steel erection activities. The term "steel erection activities" means the movement and erection of skeleton steel members (structural steel) in or on buildings and non-building structures. It includes initial connecting, moving point-to-point, installing metal floor or roof decking, welding, bolting, and similar activities. It does not mean the erection of steel members such as lintels, stairs, railings, curtainwalls, windows, architectural metalwork, column covers, catwalks, and similar non-skeletal items, nor does it mean the placement of reinforcing rods in concrete structures.

For the purposes of the stay action and this policy, the term "buildings" includes tiered and non-tiered single-story and multi-story buildings, warehouses, gymnasiums, stadiums, power plants, theaters, mill buildings, and similar structures. The term "tiered" means the skeleton steel framework is erected in vertically stacked columns; it is not limited to multi-floored structures. The term "non-building structure" includes bridges, viaducts, overpasses, towers, tanks, billboards, antennas, and similar structures.

2. Fall protection for steel erection activities shall be provided consistent with the following.
  - a. Tiered buildings:
    - i. Exterior fall hazards of 25 feet or more are covered by §1926.105(a). Exterior fall protection is not required for fall hazards of less than 25 feet.
    - ii. Interior fall hazards of 30 feet or more on buildings which have floors or are adaptable to temporary floors are covered by §1926.750(b)(2)(i). Fall protection is not required for fall hazards of less than 30 feet. Temporary floors will generally be practicable in the construction of a typical multi-floored building.
    - iii. Interior fall hazards of 25 feet or more on tiered buildings which are not adaptable to temporary floors are covered by §1926.750 (b)(1)(11). Fall protection is not required for fall hazards of less than 25 feet.
  - b. Non-tiered buildings:

Exterior and interior fall hazards of 25 feet or more are covered by §1926.105 (a).  
Fall protection is not required for fall hazards of less than 25 feet

c. Non-building structures:

Exterior and interior fall hazards of 25 feet or more are covered by §1926.105(a),  
Fall protection is not required for fall hazards of less than 25 feet.

3. Former (i.e. prior to February 6, 1995) paragraphs 29 CFR §1926.104, §1926.105, and 1926.107(b), (c), and (f) will continue to apply to steel erection activities.

Regional Administrators shall provide a copy of this policy to State Designees and encourage the states to adopt a similar policy. States shall be asked to advise the Region of any citation issued, and the information shall be forwarded to the above address.

MEMORANDUM FOR: OFFICE OF FIELD PROGRAMS

Regional Administrators

FROM: JAMES W. STANLEY  
Deputy Assistant Secretary

SUBJECT: Fall Protection in Steel Erection.