

SUBJECT: Guarding of Open-Sided Floors, Platforms and Runways and Wall Openings in General Industry

Purpose: To provide guidelines and clarification on the applicability of standards pertaining to guardrailing of open-sided floors, platforms, runways and walls.

Scope: This instruction applies MNOSHA-wide.

References:

1. 1910.23(c)(1), Open-sided floors, platforms, and runways.
2. 1910.23(c)(3), Guarding of open-sided floors, platforms, and runways above or adjacent to dangerous equipment.
3. 1910.132, Personal Protective Equipment, General Requirements.
4. Minnesota Statutes § 182.653 subd. 2, General Duty Clause.
5. Memorandum from John B. Miles to Regional Administrators, dated 10/8/96, "Enforcement of Fall Protection on Moving Stock."

Cancellation: All previous versions of MNOSHA Instruction STD 1-1.13 are canceled.

Background:

A. Platforms have been interpreted by the courts to be any elevated surface designed or used primarily as a walking or working surface, and any other elevated surfaces upon which employees are required or allowed to walk or work while performing assigned tasks on a predictable and regular basis.

Predictable and regular basis has been interpreted to include inspections, service, repair and maintenance which are performed:

- a. At least once every two weeks; or
- b. For a total of 4 hours during any sequential 4-week period.

B. For platforms used in some industries it is either impractical or unlawful to use standard guardrails which comply with the construction requirements of 1910.23 (c) and (e). One example is lumber yards where material must be passed through the railing from lumber storage areas.

C. In slaughter houses where raw meat can rub on the railing and become contaminated, the U.S. Department of Agriculture will not permit the use of guardrails on the open sides of platforms. Many slaughtering operations have this type of platform which permits employees to be in immediate proximity to the open side of the platform with the possibility of a fall of up to 10 feet to the floor level. Guardrails would also be an encumbrance to the employees who have to use knives and saws to properly clean the carcass.

Action:

A. LUMBER YARDS

In lumber yards, where material is passed through the railing from lumber storage areas, we will allow the following exception for midrail and toeboard (top rail still required). The intermediate rail and toe board may be omitted:

1. Where materials have to be regularly passed over the edge of the floor; or
2. Where the guard railing is set back 12 inches or more from the edge.

B. MEAT PACKING PLANTS:

1. In slaughter houses, all platforms over 4 feet from adjacent floor level which will NOT affect the movement of raw product (such as by touching or rubbing), shall have permanent guardrail systems in place consisting of a top rail, midrail and toeboard.
2. In slaughter houses, where platforms over 4 feet from adjacent floor level present a conflict with USDA because of the touching or rubbing of raw product, alternative fall protection must be used. Alternative fall protection, such as an impervious safety harness and stainless steel lanyard used as a restraint system is acceptable and will meet the USDA requirements. Alternative fall protection could also be in the form of a "catch platform", such as is acceptable in the construction industry, thus lessening the fall distance to four feet or less. A "catch platform" must be of sufficient width, minimum of 36", so as not to create a greater hazard.
3. An exception to the need for alternative fall protection is when carcasses are passing the platform, and present a carcass "wall". In this case, no additional protection is required. An example of a carcass "wall" would be when carcasses are hooked together with "C" hooks. However, if an OSHI can see the body of an employee in between product carcasses, this will be considered to be sufficient space for an employee to fall, and a citation shall be issued. Also, when this carcass "wall" is not present (such as during cleaning /hosing down), alternative fall protection must be used if the cleanup employee is standing on the platform. Obtain photo documentation showing the space between carcasses, or clean-up in progress without the use of fall protection.
4. In addition, platforms in meatpacking plants shall be:
 - a. guardrailed on unaffected sides;
 - b. covered with non-skid material;
 - c. drainable to remove excess blood, water and fat;
 - d. \geq 36 inches wide for the entire length. Elevator platforms shall be \geq 30 inches in width.

C. SIMILAR SITUATIONS

In situations where the safeguarding requirements of 1910.23(c)(1) and (c)(3) are not practical or lawful, or if employees do not use elevated surfaces on a regular basis, alternative fall protective systems may be used. The investigator must describe on the MNOSHD-1B the problem with providing a standard guardrail system and why personal fall protective equipment and/or other effective fall protective means are feasible.

1. If personal fall protective equipment is feasible, but a PPE hazard assessment has not been done by the employer in accordance with 1910.132(d)(1), the OSHI should cite 1910.132(a)(1).
2. If personal fall protective equipment is not feasible, but other effective fall protective systems exist to eliminate or materially reduce the fall hazard (e.g., training and administrative controls), a citation can be issued for a General Duty clause violation, MN Stat §182.653 subd. 2. An example of this would be a general duty citation to require employers with employees who work on top of rolling stock grain cars to provide inclement weather safety guidelines, employee hazard recognition training and an assessment of each employee's physical ability to perform the job safely.

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Distribution: MNOSHA Compliance and WSC Director

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