



JUL 19 2017

Reply to the attention of:

DEP/SW/28242

Ms. Sarah Roth
Technical Specialist
International Liquid Terminals Association
1005 N. Glebe Road, Suite 600
Arlington, VA 22201

Dear Ms. Roth:

Thank you for meeting with Occupational Safety and Health Administration (OSHA) staff and your follow-up correspondence regarding OSHA's final rule revising and updating the general industry Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) standards (29 CFR part 1910, subparts D and I). As you know, OSHA published the final rule on November 18, 2016, and it became effective on January 17, 2017.

This letter constitutes OSHA's interpretation only of the requirements your correspondence discusses and may not be applicable to any questions not delineated there.

Question 1: Does the exception to the 9.5-inch riser height and 9.5-inch tread depth requirements for stairs installed before January 17, 2017 (§1910.25(c)(5)), also apply to stairs designed and fabricated, but not yet installed, by that date?

Response: Section 1910.25(c)(5) provides that the riser height and tread depth requirements in §1910.25(c)(2) and (3), respectively, do not apply to standard stairs installed before January 17, 2017. OSHA will consider those stairs to be in compliance with the final rule if:

- They meet the stairway riser and tread dimensions requirements in §1910.25 Table D-1; or
- They have a riser height and tread depth combination that achieves a stair angle of between 30 to 50 degrees, which §1910.25(c)(1) requires.

For stairs designed and fabricated in accordance with the old rule, but not installed before January 17, 2017, OSHA also will consider them to be in compliance if the stairs meet the requirements in §1910.25(c)(5) stated above.

Question 2: Under the previous standard, stairs with a handrail that doubles as a stair rail could have a rail height of 30 to 34 inches. The preamble states that the final rule will not affect existing stair rail systems (81 FR 82629). However, the final rule also specifies that a stair rail system installed before January 17, 2017, may serve as a handrail only when the stair rail height is 36 inches to 38 inches (§1910.29(f)(1)(iii)). If an employer's stairs were installed prior to January 17, 2017, must the rails have a minimum height of 36 inches if the stair rail doubles as a handrail?

Response: The old standard, which OSHA adopted in 1971 and did not update until the final rule, required that the height of both stairway railings and handrails be 30 inches to 34 inches (§§1910.23(e)(2) and (e)(5)(ii)). In the preamble to the final rule OSHA confirmed that the final rule does not affect stair rail systems and handrails installed before January 17, 2017, that were in compliance with the requirements in the old standard (81 FR 82629).

Section 1910.29(f)(1)(iii), instead, is directed to employers who, before January 17, 2017, installed stair railings and handrails that complied with either the proposed rule (proposed §1910.29(f)(1)(iii)) or the National Fire Protection Association 101 Life Safety Code – 2012, an ANSI accredited national expert code. The proposed rule would have adopted the construction Stairways and Ladders standards (29 CFR part 1926, subpart X), which required stair rails have a height of at least 36 inches (§1926.1052((c)(3)(i)); handrails be 30 inches to 37 inches in height (§1926.1052(c)(6)); and stair rails be permitted to double for handrails if they are 36 inches to 37 inches in height (§1926.1052(c)(7)). The NFPA 101 Life Safety Code permits handrails to have a height of 38 inches and allows stair rails to double for handrails if they are 36 to 38 inches in height. Thus, §1910.29(f)(1)(iii) is intended to specifically address this situation by grandfathering in stair rails that double as handrails which employers had installed in reliance on the proposed rule or NFPA 101 Life Safety Code. OSHA does not intend §1910.29(f)(1)(iii) as requiring employers to replace rails that were installed and in compliance with OSHA’s old standard.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA’s requirements are set by statute, standards, and regulations. OSHA’s letters of interpretation do not create new or additional requirements; rather they explain the requirements and how they apply to particular circumstances. This letter constitutes OSHA’s interpretation only of the requirements discussed. From time to time, letters are affected when a legal decision impacts a standard or changes in technology affect the interpretation. To assure that you are using the correct information and guidance, please consult OSHA’s website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the Directorate of Enforcement Programs at (202) 693-2100.

Sincerely,



Amanda Edens, Acting Director
Directorate of Enforcement Programs