

Employers Should Prepare for Increased Fall-Related Inspections

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On May 1, 2023, the U.S. Department of Labor [announced](#) that the Occupational Safety and Health Administration (OSHA) has launched a [National Emphasis Program](#) (NEP) to prevent falls, which are the leading cause of fatal workplace injuries. The NEP became effective immediately. Fall protection continues to be one of the most frequently cited standards by OSHA in the construction industry. From October 2021 through September 2022, there were 5,679 citations under 29 C.F.R. §1926.501 (Fall Protection – General Requirements). This is more than double the second most frequently cited standard under 29 C.F.R. §1910.1200 (Hazard Communication) with 2,615 citations. Importantly, while OSHA anticipates that most inspections will occur in the construction industry, the NEP applies to all industries. OSHA has specifically identified the following non-construction activities that will be targeted by the NEP:

1. Roof top mechanical work/maintenance
2. Utility line work/maintenance (electrical, cable)
3. Arborist/tree trimming
4. Holiday light installation
5. Road sign maintenance/billboards
6. Power washing buildings (not connected to painting)
7. Gutter cleaning
8. Chimney cleaning
9. Window cleaning
10. Communication Towers

OSHA states that the goal of the NEP is to “significantly reduce or eliminate unprotected worker exposures to fall-related hazards in *all* industries that can result in serious injuries and deaths.” Notably, while OSHA regulations require that fall protection be provided at certain elevations depending on the industry (i.e., 4 feet for the general industry and 6 feet in the construction industry), the NEP’s guidance states that compliance safety and health officers may open inspections whenever they observe someone working “at heights,” without specifying an elevation.

As the NEP allows compliance officers to open inspections any time they observe a worker at any height, employers should expect increased inspections related to fall hazards in 2023 overall. Employers should also be mindful that, while OSHA may open an inspection as part of this (or any) NEP, compliance officers may expand the scope of their investigation, for example, in instances of hazards in plain view or based on the employer’s injury and illness records.

Employers with employees working at heights should revisit their workplace safety policies and procedures to ensure compliance with OSHA’s standards regarding fall protection. For more information on how this NEP has an impact on your business, please contact any member of our OSHA and Workplace Disasters Practice Group.