A DOSH Impro A DVOCATE **Improving** workplace safety & health

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Volume 4 - 2009

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ADOSH ADVOCATE

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Darin Perkins, Director

VPP in Construction

ADOSH wants to recognize two construction companies for their accomplishments as the first in their respective construction sectors to achieve the Voluntary Protection Program recognition for construction in the State of Arizona.



Granite Construction performs heavy construction such as bridgework, highways, groundwork, etc, and they were the first to achieve this recognition in that sector. The company underwent their onsite inspection during the week of April 6, 2009, with the approval process being finalized on May 28. They were presented

Hunt Construction Group, Inc. was the first company within their construction sector (general contractors performing construction of vertical structures such as office towers.

June 5, 2009.

onsite inspection was completed during the week of June 6, 2009 and the approval was finalized on June 8, Hunt received their VPP plague and flag in a ceremony in downtown Phoenix on June 25, 2009. ADOSH would like to commend both companies for their efforts in promoting workplace safety and health

> and achieving designation as a VPP participant.

> We think it is important for you to hear from the company representatives themselves about what this accomplishment means to their organizations:

"Obtaining VPP showed not only that our efforts paid off by the low number of injuries, but that the efforts of the entire team

are at a very high level. Having ADOSH come in and say we do "walk the talk" is an outstanding message. Being recognized for our efforts raised not only our pride level, but also our awareness level. It is validation for the hard work our crews and employees do everyday. We can



Continued on page 2

Fatal Mistakes

In Tucson, on July 15, 2006, a 51 year old man was working as a convenience store clerk and died of multiple gunshot wounds inflicted during a robbery.

In Flagstaff, on November 12, 2007, two armed men robbed an eastside store employee and beat him with a baseball bat before taking off with a large amount of cash. A month earlier, on October 28th, a KFC employee was robbed and pistol whipped as he was closing the restaurant.

In Glendale, on March 20, 2008, two men entered a clothing store and shot a 52 year old female employee. Also in Glendale a gunman entered a book store on June 5, 2007 and held a gun to the clerk's head and took money from the register. He then struck the clerk with the gun before leaving.

In November 2005, two 17 year old male employees were killed during a robbery incident at a Phoenix Subway restaurant.

Approximately 2 million American workers are victims of workplace violence each year. Workplace violence can range from threats and verbal abuse to physical assaults and homicides, and is one of the leading causes of jobrelated deaths. Domestic violence can spill over into the workplace often with lethal consequences. Workplace violence is a growing concern for employers and employees, and can strike anywhere, although some workers are at greater risk.

Workplace murder is the leading killer of working females, and the second leading killer of males. Among those at elevated risk are workers who exchange money with the public; deliver passengers, goods or services; or work alone or in small groups at late-night or early morning hours; working in high crime areas; workers in community settings and homes where they have extensive contact with the public such as healthcare and social service workers, utility employees, retail workers and taxi drivers.

Employers have a legal (under the General Duty Clause ARS 23-403) and moral duty to provide a safe workplace for employees; through an assessment of the workplace to identify the potential for violence; development of procedures to prevent violence and in the event of a violent incident, emergency response plans. During these difficult financial times, violence is predicted to escalate and to ignore the potential for it to affect you, your employees and your workplace, could be a fatal mistake.

For more information on developing a Violence in the Workplace Prevention Program, go to https://www.osha.gov/SLTC/workplaceviolence/recognition.html and http://www.osha.gov/SLTC/workplaceviolence/solutions.html or join us at an ADOSH class on Violence in the Workplace. (See Quarterly Training Calendars)

Jenny Mandeville, Consultant/Trainer

Construction VPP - Cont'd

appreciate the culture we have built and work to continue that process. We are close to zero injuries and now we see we can achieve it." - Mike Flynn, Safety Director, Granite Construction Company

"Since achieving VPP, subcontractor support and cooperation has only improved. New subcontractors are very cooperative in learning the ele-

ments of VPP as well. Hunt Construction Group continues to make program improvements based on the lessons learned from the VPP onsite process, which in turn will make us perform even better as a general contractor. VPP achievement also allows for a greater opportunity for marketability of the company". - Bill Reeves, Senior Loss Prevention Manager, Robertson, Western Region Safety Manager

Even if you're not ready to meet the challenges of going for the full approval, the Voluntary Protection Program model is a very good tool to utilize when attempting to make improvements to existing safety management systems, or when simply faced with trying to develop a safety management system and have a positive effect on workplace culture. If you're interested in more information feel free to contact ADOSH



A Thousand Words

Here's an interesting setup. Some employees are working on installing a new advertisement on a sign several feet above ground level. The bucket of a front end loader is elevated and supports the extension ladder on which the employee is standing. Since there is no ladder between the ground and the elevated bucket, it is likely that the bucket was used to elevate the ladder, the employee and equipment. To top things off, there is a white, plastic lawn chair inside of the loader bucket, presumably for the employee to take a break when he's tired.

What seems like a shortcut may end up costing a life. When elevating materials and/or employees, utilize the proper equipment for the job!

The "Inbox"

We regularly receive questions and comments via e-mail, at adosh.comments@dol.gov. Following is a selection of some we recently received.

Q: My employer requires that hardhats, safety glasses vests and all required safety equipment be worn at all times. Several months ago a motor grader operator was working on a project without wearing his hardhat while in his piece of equipment. I motioned for him to stop and advised him of the policy. He questioned the necessity of the rule and I said it was a job requirement. After several further warnings and discipline for the same issue, the employee was terminated. How does ADOSH feel about the necessity of PPE and the importance of safety rules that meet or exceed ADOSH standards, specifically a 100% hardhat rule?

As you are aware, personal protective equipment, including hard

hats, is an extremely important part of any safety program, particularly in the construction industry.

The OSHA standards, which require employees to wear protective equipment any time there is a hazard that can be prevented from the use of such equipment, are minimal standards. Many times, employers will go above and beyond the requirements of the standards and insist that their employees utilize protective equipment at all times on a project. This is frequently the case with hard hats. ADOSH's experience has been that most contractors will require employees to wear hard hats anytime they are on the site, regardless of the task they are performing. While such a requirement may be beyond what is required by the OSHA standard, it is certainly within the rights of an employer to implement. In fact, ADOSH encourages employers to establish safety rules that are more protective than those required by the standards.

ADOSH Forum

ADOSH is hosting an informal gathering in Tucson on November 4, 2009, at 10:00 AM, at which employers, associations, unions and other organizations can spend some time with Darin Perkins, the ADOSH director and one or both assistant directors, Mark Norton and Bill Wright.

The purpose of this event is to provide a relaxed, informal opportunity to discuss issues or questions of concern to you, either with respect to ADOSH or to safety and health in general.

Seating is limited, so we ask that you notify us of your attendance by calling 520-628-5478.

Depending upon the success of this forum, similar events may be scheduled in the future in other parts of the state.

ADOSH Education and Training Calendar

Registration for each class begins 30 days prior to the date of the class. Location and time will be provided at the time of registration. Classes sponsored by ADOSH are free of charge but are subject to change or cancellation without notice. Some classes or seminars listed are not exclusively sponsored by ADOSH and may carry a nominal fee to cover the cost of course materials, space rental, etc. NOTE: The phone number listed for each class is the number participants need to call for registration purposes and may or may not be a direct number to ADOSH or the trainer. While ADOSH trainers can answer questions specific to the class such as content, attendees will need to call the specific number listed to register.

<u>Date</u>	Class	Location	<u>Trainer</u>	Registration No.
September 24	Heavy Equipment Safety	Yuma	Bill Garton	928-373-1138
	Hand & Power Tool Safety	Yuma	Bill Garton	928-373-1138
October 6	Excavation Safety Awarness	Tucson	Cheryl Caballero	520-628-5478
	Electrical Safety/Lockout	Peoria	Jenny Mandeville	623-773-7679
	Ergonomics/Back Injury	Peoria	Jenny Mandeville	623-773-7679
October 7	Concrete & Masonry Safety	Tucson	Mark Norton	520-628-5478
	Electrical Safety & Lockout	Tempe	Jenny Mandeville	480-350-2904
October 8	Bloodborne Pathogens	Flagstaff	Jenny Mandeville	928-522-3032
	Hazard Communication	Flagstaff	Jenny Mandeville	928-522-3032
October 9	Job Hazard Analysis	Phoenix	Jenny Mandeville	602-274-6545
October 13	Fall Protection/Scaffold Safety	Lake Havasu	Jenny Mandeville	928-757-0894
	Forklift Train-the-Trainer	Lake Havasu	Jenny Mandeville	928-757-0894
October 14	Excavation Safety Awareness	Lake Havasu	Jenny Mandeville	928-757-0894
	Confined Space Safety	Lake Havasu	Jenny Mandeville	928-757-0894
October 15	Medical/Dental Office Safety	Tucson	Cheryl Caballero	520-628-5478
	Violence in the Workplace	Avondale	Jenny Mandeville	623-535-2710
October 20	Lockout/Tagout Safety	Tucson	Cheryl Caballero	520-628-5478
October 21	Ergonomics in Construction	Phoenix	Jenny Mandeville	602-631-2228
October 22	Machine Guarding	Tucson	Bill Garton	520-628-5478
	Bloodborne Pathogens - Utilities	El Mirage	Jenny Mandeville	623-876-4253
October 27	Safety Management	Tucson	Mark Norton	520-628-5478
	Construction Safety Mamt.	Phoenix ICA	Jenny Mandeville	602-542-1769
October 28	Confined Space Safety	Yuma	Cheryl Caballero	928-373-1138
	Walking/Working Surfaces	Yuma	Cheryl Caballero	928-373-1138
	Noise & Hearing Conservation	Prescott	Jenny Mandeville	928-541-5001
	Basic Accident Investigation	Prescott	Jenny Mandeville	928-541-5001
October 29	Hazard Communication	Prescott	Jenny Mandeville	928-541-5001
	Bloodborne Pathogens	Prescott	Jenny Mandeville	928-541-5001
November 3	Fall Protection Awareness	Phoenix	Jenny Mandeville	602-542-1769
November 4	Electrical Safety Awareness	Tucson	Cheryl Caballero	520-628-5478
	Ergonomics - Utility Industry	El Mirage	Jenny Mandeville	623-876-4253
November 5	VPP Overview	Tucson	Mark Norton	520-628-5478
November 10	Personal Protective Equipment	Tucson	Cheryl Caballero	520-628-5478
November 12	Forklift Train-the-Trainer	Phoenix	Jenny Mandeville	602-631-2228
	Electrical Safety & Lockout	Mesa	Jenny Mandeville	480-857-5501
November 17	Scaffold Safety Awareness	Tucson	Mark Norton	520-628-5478
	Medical Office Safety	Peoria	Jenny Mandeville	623-776-7679
November 18	Fall Protection Awareness	Tucson	Cheryl Caballero	520-628-5478
	OSHA 300 Log/Recordkeeping	Avondale	Jenny Mandeville	623-535-2710
November 19	Hazard Communication	Tucson	Bill Garton	520-628-5478
November 20	Scaffolds & Ladder Safety	Phoenix	Jenny Mandeville	602-274-6545
November 24	Excavation Safety Awareness	Tucson	Mark Norton	520-628-5478
	Excavation Safety Awareness	Yuma	Bill Garton	928-373-1138
	Forklift Train-the-Trainer	Yuma	Bill Garton	928-373-1138
December 1	OSHA 300 Log/Recordkeeping	Phoenix ICA	Jenny Mandeville	602-542-1769
	Violence in the Workplace	Peoria	Jenny Mandeville	623-776-7679
December 2	Excavation Safety Awareness	Tempe	Jenny Mandeville	480-350-2904
	iners may be contacted by e-mail u	•	•	

Trainers may be contacted by e-mail using the following format: <lastname>.<firstname>@dol.gov "Phoenix ICA" classes are held at the Phoenix ICA building located at 800 W. Washington St. All Tucson classes are held at the Tucson ICA building located at 2675 E. Broadway Rd.

Education & Training Calendar - Cont'd.						
<u>Date</u>	<u>Class</u>	Location	Trainer	Registration No.		
December 3	OSHA 300 Log/Recordkeeping	Tucson	Cheryl Caballero	520-628-5478		
December	Electrical Safety & Lockout	Phoenix	Jenny Mandeville	602-631-2228		
	Fall Protection & Scaffolds	Peoria	Jenny Mandeville	623-776-7679		
December 8	Laser Safety Awareness	Tucson	Cheryl Caballero	520-628-5478		
December 9	Basic Accident Investigation	Tucson	Mark Norton	520-628-5478		
December 10	Forklift Train-the-Trainer	Tucson	Bill Garton	520-628-5478		
December 15	Violence in the Workplace	Tucson	Mark Norton	520-628-5478		
	Respiratory Protection	Peoria	Jenny Mandeville	623-776-7679		
	Hazard Communication	Peoria	Jenny Mandeville	623-776-7679		
December 16	Fall Protection - Utilities	El Mirage	Jenny Mandeville	623-876-4253		

Getting the Most from a Consultation Visit

When discussing ways in which employers can benefit from onsite consultation visits offered by ADOSH, invariably the topic of whether to notify everyone on the site of a visit always comes up. Let me explain.

When an employer calls ADOSH consultation and requests an onsite visit in order to determine compliance with ADOSH regulations the employer will know of the visit date in advance since that date is set with the consultant. Sometimes, the employer will want to notify all of the subcontractors on the site of this scheduled visit. Unfortunately, that information puts everyone on notice.

Ask yourself the following: What is the purpose of the consultation visit? What do I hope to learn from this visit? Is this the best utilization of the consultation service? Does pre-notification of my sub contractors change anything?

The answer to these questions is that you are hoping to learn what the habits and practices of your employees and sub-contractors are with respect to the way in which they approach safety & health. Prenotification changes that ability.

Are you going to learn anything if you tell them when the consultation

survey is going to be conducted? Absolutely not! In fact, you will get a much different perspective of what is truly taking place. It has been our experience that employers who have been told there will be a consultation survey end up "prepping" for the visit. They want to show the inspector and the host employer that they are ready.

Even employee interviews are tainted. Employees will tell us that they knew we were coming and they "cleaned up the site for the inspection." Was it in that condition the day before? No, and guess what? It will not be that way tomorrow. Everyone will go back to their old habits and behaviors which allowed the hazards to exist in the first place. The employer now has a very skewed view of how safe his employees are and the consultant gets to write a letter to the employer telling him everything was fine. We've learned nothing. Subsequently, an employee gets injured or problems are found and the employer does not understand why. He asks, "How can that be when the ADOSH consultation visit indicated we were doing everything correctly? Could it be related to the fact that we didn't get a true picture of the site?

Consultation visits are designed to give the host employer information indicating where program break-

downs may be occurring or are likely to occur. That can't be done effectively if everyone on the site has been "studying for the test" so to speak.

Sometimes employers ask ADOSH consultants to notify the sub-contractors when an onsite visit is scheduled. ADOSH will not do that, in part because we do not know who the subcontractors are. Our obligation is to the host employer requesting the survey. I would recommend that employers let the process do what it's designed to do and use the information gleaned from the survey to aid in making beneficial changes.

The survey date is set, the host employer representative keeps the information quiet, the consultant arrives and the inspection process starts. At that time if a specific sub-contractor is looking for his safety representative to be onsite he can call that person. Remember, though, this is not a compliance inspection and there will be no citations. This is designed to be a learning process. I think you will see if this approach is taken you get a much more comprehensive and effective survey that is dedicated to truly evaluating your safety management system and pointing out weaknesses which would otherwise go unidentified.

Mark Norton, Asst. Director

Occupational Fatalities Investigated by ADOSH April 1, 2009 through June 30, 2009

1) An employee was electrocuted when he contacted overhead electrical lines.

Managing Asbestos in Buildings

Many building owners, operators, architects and contractors have a perception that our buildings today don't have asbestos containing materials. This assumption is a serious misconception and could lead to exposure to cancer causing asbestos fibers. Why do people believe that asbestos in buildings no longer exists or is not a problem? Let's look at some of the reasons that have led to these misconceptions.

In the mid 1970's, the EPA banned the use of asbestos in certain materials, specifically in spray-applied insulation, fireproofing, and acoustical surfacing materials. All other building materials were allowed by law to contain asbestos Manufacturers could and did use asbestos in various materials, such as ceiling tiles, floor tile and linoleum, mastic adhesives, joint compounds, and roofing compounds. Although efforts are still being made by the EPA to ban all uses of asbestos, it is unlikely to happen in the near future.

In 1994, OSHA updated their asbestos standard for the construction industry. In Section K of this standard, titled "Communication of Hazards", all building owners and employers who occupy buildings have responsibilities. Section (k)(1) of the standard states:

"Employers and building owners shall identity TSI and sprayed or trowled on surfacing materials in buildings as asbestos-containing unless they determine in compliance with paragraph (k)(5) of this section that the material is not asbestos-containing." Paragraph (k)(5) states that "to determine if a material is nonasbestos containing material, a building inspection must be performed by a certified AHERA Building Inspector. It does not matter the age of the building, the TSI and surfacing material in a building must be treated as asbestos unless it is tested by a certified inspector "

The next sentence of Section (k)(1) has caused a great deal of confusion regarding the application of the standard to building owners. It states:

"Asphalt and vinyl flooring material installed no later than 1980 must also be considered as asbestos containing unless the employer, pursuant to paragraph (g)(8)(i)(1) of this section, determines it is not asbestos-containing."

The 1980 date is what has caused a significant amount of confusion. Building owners, operators, contractors, architects, and other employers often think that if a building was constructed after 1981, then the building will not have asbestos containing materials. Again, this is a major misconception. Asbestos containing building materials continually come into the United States and these materials have been installed in newer buildings.

Finally, Section (k)(1) states:

"If the employer/building owner has actual knowledge or should have known through the exercise of due diligence, that other materials are asbestos-containing, they too must be treated as such."

Section (k) of the standard then outlines a number of duties and responsibilities that the building owner and/or employer must fulfill to ensure that the presence of asbestos containing materials is appropriately communicated to building occupants, contractors working in the buildings, and other employers working inside the building. The purpose of this standard is to ensure that employees and the public are not unnecessarily exposed to asbestos by the disturbance of potential asbestos containing materials.

Building owners and all employers, no matter how old or new the building is, must ensure that a proper building inspection of a facility is conducted prior to disturbance of building materials. The building inspection must be conducted by a certified AHERA Building Inspector. According to the OSHA regulations, if an inspection has not been conducted, then all building materials must be considered as potentially "asbestos-containing". In addition, these employers must then comply with several requirements in the OSHA Asbestos Standard regarding providing information and communication of these hazards to their employees.

(Continued on page 7)

(Asbestos - Continued from page 6)

If the building is planned for renovation or demolition, the building owner and/or operator must have a building inspection conducted by a certified AHERA Building Inspector to determine if any of the building materials contain asbestos. building inspection must be accomplished for compliance with EPA's National Emission Standard for Hazardous Air **Pollutants** (NESHAP's). Again, it does not matter the age of the building for compliance purposes.

So you can see, building owners, architects, contractors, and other employers are under a great miscon-

ception if they think that buildings today don't contain asbestos. With all the building materials that enter the United States from other countries, it is critical that all buildings be considered as having "asbestoscontaining materials" unless they have been inspected by a certified AHERA Building Inspector in accordance with both OSHA and EPA regulations.

If you have questions regarding the OSHA asbestos regulations you can contact the ADOSH Consultation Section at 602-542-1769. For questions regarding the EPA NESHAP regulations you can contact ADEQ at 602-771-2333, Maricopa County

at 602-525-6572, Pima County at 520-243-7320, and Pinal County at 520-866-6960.

Remember, to prevent costly penalties for violation of the OSHA and EPA asbestos regulations and to prevent potential exposures of employees and the public to asbestos fibers, you must conduct an asbestos building inspection prior to any renovation or demolition project

Robert L. Hutzel

(Mr. Hutzel is a Certified Industrial Hygienist and Certified Safety Professional and is currently a member of the ADOSH Review Board.)

OSHA Safety & Health Information Bulletin

Standup Forklift Truck Under-ride Hazards was developed by OSHA's Cleveland Area Office in response to the death of a forklift operator

found pinned between the standup forklift he was operating and the horizontal cross bar of a warehouse storage rack.

Standup forklift operators may be exposed to this type of crushing hazard when traveling, with forks trailing, near a stor-

age rack or similar obstruction. This hazard is commonly referred to as an "under-ride" hazard. The SHIB raises awareness about under-ride crushing hazards and provides strategies to eliminate such hazards including retrofitting

> existing forklifts with a corner guard, post extended back rest or overhead guard, and adjustthe shelf The heights. SHIB also stresses worker training and providing resources that cover how to operate forklifts safely.

For more information regarding forklift safety, or to get involved in one of ADOSH's forklift safety training classes, contact the con-

sultation section, or see the training calendar in this newsletter.

Staying Electronic

Contrary to the information provided in our last newsletter, we have decided to continue with an electronic-only version of the ADOSH Advocate. Doing so will save on resources while at the same time allow us to include as many articles and as much information as we wish, without having to worry about costs.

If you wish to sign up to receive an automatic notification of the newsletter's availability, or to receive notifications regarding other news and information from the Industrial Commission, visit the ICA web site at www.ica.state.az.us. Enter your e-mail address to be added to our database.

Hazard Communication Guidance for Combustible Dusts is a new guidance document recently published by OSHA that assists chemical manufacturers and importers in recognizing the potential for dust explosions, identifying appropriate protective measures and the requirements for disseminating this information on material safety data sheets and labels.

Aerial Lifts and Fall Protection

There seems to be a lot of confusion about what constitutes proper fall protection when working from an aerial lift. ADOSH standard 1926.453(b)(2)(v) states "A body belt shall be worn and a lanyard attached to the boom or basket when working from an aerial lift." A note to this paragraph indicates that as of January 1, 1998, body belts are no longer acceptable as a part of a personal fall arrest system.

There should be no question that fall protection is required for employees working from an aerial lift. The purpose of this requirement is to protect employees from being bounced out/off of the basket/work platform when maneuvering to a work location, or placing themselves in a position in which they could be exposed to a fall by climbing or

leaning over and placing their center of gravity outside the basket. But what constitutes proper fall protec-

tion?

Regardless of the type used, a proper fall protection system must: 1) include a

proper anchor point, 2) prevent an employee from free-falling more than six feet, 3) prevent an employee from striking the next lower level or any object below, and 4) provide for prompt rescue in the event of a fall.

The best system to use is a system that prevents a fall in the first place. Commonly called "fall restraint", this system utilizes a body belt with a lanyard short enough to prevent an employee from falling out of the basket, typically no

longer than two feet. An employee working in an aerial lift with a body belt and two foot lanyard will generally have the range of motion necessary to perform his/her tasks, but will not be able to actually fall out of the basket.

A variation on the restraint system would be to use a body belt with a self-retracting lanyard rigged to limit the free fall distance to two feet or less.

With a fall restraint system, it may not be necessary to make provisions

to promptly rescue an ever employee who has fallen from the bucket. It a I s o

removes any potential for the lift to tip over or collapse due to fall impact forces beyond the lift's capacity to withstand.

Ultimately, the length of the free fall permitted by a self-retracting lanyard may affect whether or not the fall protection system complies with the standards. The longer the fall, the greater the impact forces imparted to the system. Thus, the more free-fall allowed by the self-retracting lanyard, the greater the

load imposed upon the aerial lift. Some aerial lifts may lack the capacity to withstand the vertical and lateral loads caused by an arrested fall. Therefore, the length of free fall permitted by the self-retracting lanyard must be such that the aerial lift is capable of maintaining a safety factor of at least two when it arrests a fall.

Finally, an employer may choose to use a personal fall arrest system (harness with four or six foot, shock-absorbing lanyard) for employee fall protection. This, however, requires compliance with other provisions of the standards. First, the anchor point (and thus the lift

itself) must be capable of supporting 5000 pounds, or have sufficient strength to withstand twice the potential energy of an employee free

falling a distance of six feet. Second, the system must be rigged so that an employee cannot free-fall more than six feet, nor strike the next lower level or any object below. A six foot, shock-absorbing lanyard may require up to 18 feet of clearance between the lift and the ground/object to prevent impact. Third, there must be

provisions for prompt rescue. A harnessed employee hanging from an aerial lift can remain in that position for only a short period without suffering potentially serious medical problems, including death.

Employers must assess the type of work to be performed and select the best fall protection system for employees to use when working from an aerial lift.

Darin Perkins, Director