



# Oregon

Theodore R. Kulongoski, Governor

## Department of Consumer and Business Services

Oregon Occupational Safety & Health Division (OR-OSHA)

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February 28, 1996

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Michael Williams  
V.A.S.T.  
1332 Wallace Rd.  
Salem, OR 97304

Dear Mr. Williams:

This is in response to your January 8, 1996 letter requesting a written interpretation to several general questions on fall protection when working on fixed or temporary work surfaces.

On roofs and other temporary working surfaces, with exposed open sides, construction workers must be protected from falling when working at 6 feet or above the adjacent floor or ground line and at above 10 feet when doing other tasks.

On fixed (permanent) work surfaces such as stair landings, walkways and raised floors a person must be protected from falls at 6 feet when doing construction work and at 4 feet for all other industries.

A person in all cases EXCEPT in construction must be protected from falling through a wall opening when the lower edge of the opening is less than 36 inches above the adjacent floor line and the fall distance is 4 feet or more through the opening.

When the opening is part of a construction project, the opening height is increased to 39 inches and the fall distance increased to 6 feet.

Where the bottom of the window opening is less than 36 inches above the floor line, a fall hazard is assumed to exist and the window must have a protective rail or other means to prevent a person from falling through the window opening whether the glass is fixed or operable.

All guardrails, regardless of where installed, are required to be 42 inches high, plus or minus 3 inches. If a parapet wall acts as a guardrail, it must be not less than 39 inches high, or the wall must be extended upward to 39 inches by attaching a guard rail system to the wall. The employer could also elect to have all of the employees protected by being tied off with personal protective equipment.

If you hire a contractor to do a job, it is the contractor's responsibility to protect their employees. If you exercise direction and control over the job, you are acting as a general contractor and the person is working as your subcontractor.

If you hire a subcontractor, it is implied that you are acting as a general contractor. In that case, you are required to see that the subcontractor complies with the codes. However, it is primarily the responsibility of the employer whose employees are working on the job to provide protection for their employees.

When an employee is working in an area where there are skylights the employee must be protected from falling through the skylights. This can be achieved by guardrails, screens, covers or by requiring all employees to be tied off.

If we can be of further assistance to you please call Technical at (503) 378-3272.

Sincerely,

Marilyn K. Schuster  
Policy Manager  
(503) 378-3272