



## Federal OSHA Takeover Avoided

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By Mark Minter

The Arizona Builders Alliance is pleased to announce that a possible takeover of construction inspections by Federal OSHA has been avoided. This is a result of legislative action taken by ABA last year.

In 2012 the Legislature passed a law creating a residential fall protection standard. That standard called for only aggressively protecting workings above 15 feet. The rest of the industry has the higher standard of protecting workers above 6 feet. After passage of the residential standard the Federal OSHA indicated displeasure with the law. As a result, they threatened to take over all construction inspections, not just residential.

In 2014 the ABA worked with the Legislature to reserve this situation. The Legislature passed a conditional repeal bill on this issue. The substance of that bill outlined a process by which Arizona would administratively repeal the law if Federal OSHA published a finding that the Arizona fall protection law was "not as effective" as the Federal standard.

The publication of that notice occurred today. The law will be repealed at 12 midnight today. Beginning tomorrow, Arizona will have a single commercial fall protection standard for all workers. Since commercial contractors standard did not change.

A notice from the Director of the Industrial Commission of Arizona is included below:

Federal OSHA's decision rejecting Arizona's state specific residential fall protection standards has been posted for public inspection at [http://www.ofr.gov/OFRUpload/OFRData/2015-02302\\_Pi.pdf](http://www.ofr.gov/OFRUpload/OFRData/2015-02302_Pi.pdf)

and will be published in tomorrow's Federal Register. The decision triggers the conditional repeal of Arizona Revised Statutes Title 23, Chapter 2, Article 13, which means that employers in Arizona (effective tomorrow night at 12:01 a.m.) must now comply with the federal residential fall protection standards in 29 CFR 1926.501 et seq. (known as Subpart M).

We will be issuing a press release tomorrow, as well as taking other steps to ensure that affected stakeholders are aware of the decision and change in enforcement.

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