

# HOUSE BILL REPORT

## HB 1224

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### As Reported By House Committee On:

Commerce & Labor

**Title:** An act relating to requiring a permanent anchor for worker fall protection.

**Brief Description:** Requiring a permanent anchor for worker fall protection.

**Sponsors:** Representatives Hurst, Conway, Campbell, Cairnes, Kessler, Clements, McIntire and Ogden.

### Brief History:

#### Committee Activity:

Commerce & Labor: 2/3/99, 3/1/99 [DPS].

#### Brief Summary of Substitute Bill

- The Washington State Building Code Council will study the need for requiring installation of permanent roof anchors on new structures or when a roof is replaced on an existing structure. The council will report to the Legislature by October 1, 1999.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; Wood, Democratic Vice Chair; Hurst; Lisk and McIntire.

**Minority Report:** Do not pass. Signed by 2 members: Representatives B. Chandler, Republican Vice Chair and McMorris.

**Staff:** Douglas Ruth (786-7134).

### Background:

According to the Department of Labor and Industries, in the three year period between 1996-1998, 328 workers fell from roofs during commercial construction, and

106 fell from roofs during residential construction. Four of these falls were fatal. The Bureau of Labor Statistics' data for 1995 show that nationally, falls from elevations accounted for 10 percent of all fatal work injuries and nearly one-third of all construction fatalities. In Washington, the department protects construction workers against this type of accident by requiring the use of fall prevention systems.

Employees working ten feet or more above the ground are required to use fall restraint, fall arrest, or positioning device systems to prevent falls. Each of these three systems may involve rigged restraint or arrest lines to secure workers to an anchorage point. Currently, construction workers secure safety lines to temporary anchors that screw or bolt to the structure they are working on, or to fixtures on the structure (e.g. a chimney). The state building code does not require permanent anchors to be installed on structures. A "roof anchor" normally is a galvanized metal ring or eyelet that is bolted to a roof.

The Washington State Building Code Council establishes the minimum building code requirements for buildings and structures in the state.

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**Summary of Substitute Bill:**

The Washington State Building Code Council will prepare a report to the Legislature documenting the need for requiring installation of permanent anchors on all new commercial and residential construction and when a roof is replaced on existing residential and commercial structures. The report will look at safety benefits of requiring roof anchor installation, and make recommendations on the best design and placement of such anchors. The report is due to the Legislature by October 1, 1999.

**Substitute Bill Compared to Original Bill:** The substitute bill requires the council to study, rather than adopt rules, requiring permanent installation of roof anchors.

The council will recommend the best design and placement of roof anchors, rather than determining the proper design and placement in light of the department's rules on fall restraint and fall arrest systems.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) The goal of the bill is to increase safety and decrease industrial insurance costs. Workers are injured because fixing a safety line to existing fixtures on a roof may be inconvenient so they forego safety precautions. Also, installing a temporary anchor for remodeling jobs may not be possible. Securing a line to a fixture that is not in the center of the roof may mean that the worker has either too little line to work throughout the roof, or too much line to prevent a fall. Permanent roof anchors could be placed in the most convenient and safe location. Injuries caused by falls from greater than 10 feet are serious and costly to the state. The injured worker's recovery or pension is paid from the industrial insurance fund. The average pension for a fatality is \$350,000. Ten percent of fatal injuries are caused by falls. Where anchors exist, falls are less common. Workers are more likely to use fall protection if an anchor is already installed. The presence of an anchor makes compliance with the department's fall protection rules more convenient and practical. As a result, contractors are fined less for violations. Currently, violations of fall protections rules are some of the most common Washington Industrial Safety and Health Act violations in the construction industry. The installation of anchors will also prevent homeowner injury.

(Concerns) The bill does not provide a time frame for the council to adopt rules. The council has present rule making authority. Proposed rules must go through a process of study and deliberation. There are several considerations not addressed by the bill. For example, should current exceptions to the fall protection rules apply to rules requiring installation of a roof anchor. The bill would not provide enough time to adequately review and consider these considerations. It would be more appropriate for the council to study the adoption of rules and report back to the Legislature. Anchors are important to preventing falls, but they are one part of a prevention system. Falls occur due to lack of knowledge of proper safety procedure, such as using a safety line that is too long to prevent a fall. The existence of an anchor may give a false sense of security to workers and homeowners when working on a roof. The presence of an anchor leads a person that does not have the proper safety knowledge to perform work they otherwise would not do.

**Testimony Against:** None.

**Testified:** (For) Representative Hurst, prime sponsor; Robert Dilger, Washington State Building Trades Council; Richard King, International Brotherhood of Electrical Workers #46; Dan Sexton, Washington State Association of Plumbers and Pipefitters; Robby Stern, Washington State Labor Council; Michael Silverstein, Department of Labor and Industries; and Dan McMurdie, Department of Labor and Industries.

(Concerns) Duke Schaub, Association of General Contractors; Gene Colin, Washington State Building Code Council; and Brian Minnich, Building Industry Association of Washington.