OSHA General Industry vs Construction Industry Standards – Quick Tips



On December 29, 1970, President Nixon signed the Occupational Safety and Health (OSH) Act of 1970 into law. The act created the Occupational Safety and Health Administration (OSHA), who is charged with assuring safe and healthful conditions for working men and women by setting and enforcing standards; and providing training, outreach, and education and compliance assistance. No matter what type of business you are in, if you have employees, OSHA's standards may affect you.

The OSHA standards are divided into four major categories based on the type of work being performed: agriculture (29 Code of Federal Regulations (CFR) Part 1928), construction (Part 1926), general industry (Part 1910) and maritime (Parts 1915, 1917 and 1918) employment. In addition, the OSH Act's general duty clause requires every employer to provide every employee with a place of employment free from recognized hazards.

General industry standards apply to any type of employment in any industry, including agriculture, construction and maritime employment, to the extent that specific standards for these other industries do not apply. Specific industry standards take priority over general industry standards if they address identical hazards. Some standards impose similar requirements on all industry sectors, for example personal protective equipment (PPE) and hazard communication.

OSHA maintains a list of the top 10 most frequently cited standards following inspections of worksites by Federal OSHA to alert employers, so they can take steps to find and fix recognized hazards before injuries and illnesses occur. For more than 10 years, construction and general industry standards have been cited most often.

Despite overall improvements, annual accident statistics have shown that the construction industry remains one of the most hazardous to workers. Each year, more than 1000 construction workers die and 400,000 others suffer injuries or illnesses on the job. According to the Bureau of Labor Statistics (BLS), from 1993 to 2013 the occupational injury-related death rate for construction has averaged 11.68 deaths per 100,000 workers. That rate is 3.3 times higher than the overall occupational injury-related average death rate of 3.55 for all industries combined in that same 21-year time frame. Because of this, the Secretary of Labor, in conjunction with OSHA, continues to set forth specific standards for the construction industry.

This document discusses some of the construction and general industry standards that address identical hazards, but with notable differences.

Fall Protection

The construction standard (29 CFR 1926.501(b)(1)) states that fall protection is required when an employee is working on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is six feet or more above a lower level. The general industry standard, 1910.28(b)(1)(i), states that employers must ensure that each employee on a walking-working surface with an unprotected side or edge that is four feet or more above a lower level is protected.

Both the construction and general industry standards site the following fall protection options:

- Guardrail systems
- Safety net systems
- Personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems

Prior to January, 17, 2017, personal fall protection systems and safety net systems were not recognized as a protection option under the general industry standards. This changed when OSHA published the revisions to its Walking-Working Surfaces standard (1910 Subpart D) and Personal Protective Equipment standard (1910.140) for general industry.

In addition to recognizing personal fall protection systems and safety nets, which have long been acceptable fall protection measures under the construction standard, the update to 1910 Subpart D reorganized the old walking and working surfaces rules to improve clarity and understanding. This necessitated the reformatting of the entire subchapter.

Confined Space

OSHA’s final standard for construction work in confined spaces became effective August 3, 2015. The new standard, Subpart AA of 29 CFR 1926, sets requirements for practices and procedures to protect employees engaged in construction activities at a worksite with one or more confined spaces. However, the standard does not apply to construction work regulated elsewhere in Part 1926 for excavations, underground construction and diving operations. The standard provides construction employees with protections similar to those general industry employees have had for more than two decades, but with some differences tailored to the construction industry including:

- More detailed provisions for coordinating activities with other employers at the site
- Requiring a competent person to evaluate the site and identify confined and permit spaces
- Requiring continuous atmospheric monitoring when possible
- Requiring continuous monitoring of engulfment hazards
- Allowing for the suspension of a permit, instead of cancellation
- Requiring that employers who direct employees to enter a space without using a complete permit system first eliminate or isolate any physical hazards
- Requiring that employers who are relying on local entities for emergency services to arrange for those responders to give the employer advance notice if they will be unable to respond for a period of time
- Requiring employers to provide training in a language and vocabulary that the employee understands

See Quick Tips #115: Confined Spaces, 29 CFR 1910.146 for more information.

Grainger offers a wide range of confined-space products and air monitors to help assist with full compliance of confined space regulations.

Personal Protective Equipment (PPE)

Although the standards for PPE are fairly similar between construction and general industry, they do cover different types of PPE. Construction standards on basic PPE are typically not as specific as general industry standards.

See Quick Tips #242: Construction PPE Standards.

Stairways and Ladders

In construction occupations, 1926.1060 requires training for each employee using stairways and ladders. In Subpart D of the general industry standard:

- training for ladder safety system use is required under 30,
- General safe ladder climbing techniques that employers must train on and monitor is covered in 23.
- OSHA added a new section 25that combines, clarifies and updates existing requirements for stairways and adds new provisions.

In the Construction standards 1926.1053 states, “Fixed ladders shall be provided with cages, wells, ladder safety devices, or self-retracting lifelines where the length of climb is less than 24 feet but the top of the ladder is at a distance greater than 24 feet above lower levels. Where the total length of a climb equals or exceeds 24 feet, fixed ladders shall be equipped with one of the following: ladder safety devices, or self-retracting lifelines, and rest platforms at intervals not to exceed 150 feet or a cage or well, and multiple ladder sections not to exceed 50 feet in length.” Subpart D in general industry, under 1910.28, phases in a requirement for employers to have ladder safety or personal fall arrest systems for fixed ladders that extend more than 24 feet, and phases out the use of cages or wells for fall protection. OSHA defines a ladder safety system as,“…a system designed to eliminate or reduce the possibility of falling from a ladder. A ladder safety system usually consists of a carrier, safety sleeve, lanyard, connectors, and body harness. Cages and wells are not ladder safety systems.”

The table below covers the compliance transition dates referenced in Subpart D:

November 19, 2018	§1910.28(b)(9)(i)(A) – Deadline by which employers must equip existing fixed ladders with a cage, well, ladder safety system, or personal fall arrest system
November 19, 2018	§1910.28(b)(9)(i)(B) – Deadline by which employers must begin equipping new fixed ladders with a ladder safety system or personal fall arrest system
November 18, 2036	§1910.28(b)(9)(i)(D) – Deadline by which all fixed ladders must be equipped with a ladder safety system or personal fall arrest system

In addition to fixed ladders, Subpart D also addresses portable ladders as well under 1910.23. It requires employers to ensure the following:

- Rungs and steps are slip resistant.
- Ladders used on slippery surfaces are secured and stabilized.
- Ladders are not moved while workers are on them.
- Top steps and caps are not used as steps.
- Ladders are not fastened together to provide added length unless designed to do so.
- Ladders are not placed on boxes, barrels or other unstable bases.

Fire Extinguishers

1926.151 requires that fire extinguishers with at least a 2A rating must be provided every 3000 square feet. 1910.157 specifies that portable fire extinguishers be provided for employee use and selected and distributed based on the classes of anticipated workplace fires and on the size and degree of potential hazard:

Fire Class	Travel Distance
Class A	75 feet or less
Class B	50 feet or less
Class C	Based on A or B hazard
Class D	75 feet or less

See Quick Tips #135: Portable Fire Extinguishers: Maintenance, Use, Placement and Testing.

Accident-Prevention Signs and Tags

1926.200 requires that an accident-prevention sign or tag be visible at all times when work is performed. Signs must be removed or covered as soon as the hazard no longer exists. General industry standard (1910.145) does not require that employers cover signs as soon as the hazard no longer exists but it does require that tags, *"shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed."*

Eye Washes

1926.441 requires that an eye wash and body-flushing facility be within 25 feet of a battery-changing area. The general industry standard (1910.151(c)) follows the American National Standards Institute (ANSI) recommendation that the eye wash be reachable within 10 seconds and located on the same level as the hazard.

See Quick Tips #120: Emergency Shower and Eye Wash Station Requirements.

Grainger offers many plumbed, gravity-feed and portable eyewash/shower units to select from to help you comply with eyewash regulations.

Illumination

1926.56 has very specific illumination requirements for construction sites, while general industry standards rarely specify illumination requirements. For example, the construction standard requires that there be at least five foot-candles for general construction area lighting.

Light meters can help assess the illumination levels of an area.

Commonly Asked Questions

Q: Why can I be cited under a general industry standard when working in the construction industry?

A: Although 29 CFR 1926 covers a wide variety of construction standards, hazards still exist that are not included. In order for OSHA to properly address these hazards and protect employees, they do cite employers under both standards when necessary.

Q: How does an employer know whether it is covered by the general industry or construction standards?

A: Becoming familiar with the various standards is the best way to know whether they apply to a specific industry or application. If, after studying the standards, employers are still unsure, they can contact the local OSHA consultation office for a determination on whether a specific standard applies.

Q: Where can I locate a copy of the 29 CFR 1910 and 1926 standards?

A: Copies of the standards are available for purchase from the Government Printing Office. They can also be downloaded free of charge from OSHA's website.

Sources

29 CFR 1910

29 CFR 1926

Occupational Safety and Health Administration (OSHA), All About OSHA, Publication number 3302-09R, 2014

Occupational Safety and Health Administration (OSHA), Remarks prepared for delivery by Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels Press Teleconference on Confined Spaces, May 1, 2015

Bureau of Labor Statistics (BLS), *Census of Fatal Occupational Injuries (CFOI) Counts*, 1993-2013.

OSHA FactSheet General Industry Walking-Working Surfaces and Fall Protection Standards

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