38TH CRCA TRADE SHOW & SEMINARS

JANUARY 19-21, 2022
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Polyglass

ARCA Midwest Roofing Contractors Association
Top Ten Most Frequently Cited OSHA Standards for the Roofing Industry
NAICS: 238160

Fall Prevention Considerations: The Walking-Working Surface
OSHA Top 10 – FY 2021
Most Frequently Cited Standards
NAICS: 238160 (Roofing Contractors)

1. Duty to Have Fall Protection $11,602,061 51%
2. Ladders $2,410,001 53%
3. Fall Protection Training $1,172,802 54%
4. Eye & Face Protection $1,719,612 44%
5. Programs / Inspections $902,921 34%
6. Head Protection $634,035 34%
7. Fall Protection Systems $409,798 44%
8. Scaffolding $451,131 10%
9. Abatement Verification $40,574 61%
10. Ladder Training $48,861 25%
OSHA Penalty Increase

Effective 1/16/2022; to be adjusted no later than 1/15/2023

<table>
<thead>
<tr>
<th>Type of Violation</th>
<th>Penalty</th>
</tr>
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<tbody>
<tr>
<td>Serious</td>
<td>$14,502 per violation</td>
</tr>
<tr>
<td>Other-Than-Serious Posting Requirements</td>
<td>$14,502 per violation</td>
</tr>
<tr>
<td>Failure to Abate</td>
<td>$14,502 per day beyond the abatement date</td>
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<tr>
<td>Willful or Repeated</td>
<td>$145,027 per violation</td>
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</table>
1. Duty to have Fall Protection

• 6 feet or more above lower levels

Inspections: 2,200  
Citations: 2,245  
Penalties: $11.7 M
2. Ladders

Inspections: 780
Citations: 876
Penalties: $2.4 M
3. Fall Protection Training

- Inspections: 763
- Citations: 792
- Penalties: $1.2 M
4. Eye & Face Protection

Inspections: 558
Citations: 559
Penalties: $1.7 M
5. Accident Prevention Programs / Inspections

Inspections: 232
Citations: 258
Penalties: $903 K
6. Head Protection

Inspections: 249
Citations: 250
Penalties: $634 K
7. Fall Protection Systems

Inspections: 143
Citations: 178
Penalties: $410 K
8. Scaffolding

Inspections: 100
Citations: 159
Penalties: $451 K
9. Abatement Verification

Inspections: 127
Citations: 143
Penalties: $41 K
10. Ladder Training

Inspections: 86
Citations: 86
Penalties: $49 K
29 CFR 1926.501(a)(2): The employer shall determine if the walking/working surfaces on which its employees are to work have the strength and structural integrity to support employees safely. Employees shall be allowed to work on those surfaces only when the surfaces have the requisite strength and structural integrity.

The above OSHA standard is separate from any 6-foot rule, duty to provide fall protection (e.g. unprotected edges, holes/skylights, etc.), as well as any requirement for the use of fall protection systems.
Fall Prevention Considerations: The Walking-Working Surface

In the 1994 rulemaking process for Subpart M, one commenter opposed to an inspection requirement stated:

“The problem is that persons do not recognize hazards and respond sensibly to the situation at hand,” adding that education and training would help.

OSHA decided to adopt the proposed inspection requirement by including language such as “employer shall determine”, and the following training requirement:

…the training program...shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

...including...The nature of fall hazards in the work area;
Demolition Standards

29 CFR 1926.850(a): Prior to permitting employees to start demolition operations, an engineering survey shall be made, by a competent person, of the structure to determine the condition of the framing, floors, and walls, and possibility of unplanned collapse of any portion of the structure. Any adjacent structure where employees may be exposed shall also be similarly checked. The employer shall have in writing evidence that such a survey has been performed.

29 CFR 1926.850(b): When employees are required to work within a structure to be demolished which has been damaged by fire, flood, explosion, or other cause, the walls or floor shall be shored or braced.
“Tie-off”, or use of personal fall arrest systems (PFAS), is not sufficient by itself.

Employers must improve the walking-working surface.
Federal Cement Tile is always suspect

The aggregate used to make the tile comes from shale, which is ground and vitrified creating a lightweight cellular structure.

Damage is not easily seen.
Federal-American Cement Tile
Employers must improve the walking-working surface, and use fall protection if employees can fall from that surface.
Accident Report Detail

**Accident: 135632.015 - Employee Falls, Fractures Skull, And Is Killed**

<table>
<thead>
<tr>
<th>Inspection</th>
<th>Open Date</th>
<th>SIC</th>
<th>Establishment Name</th>
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<tbody>
<tr>
<td>1531221.015</td>
<td>05/18/2021</td>
<td>Tri-City Roofing And Siding, Inc</td>
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</table>

At 10:30 a.m. on May 17, 2021, an employee worked to replace rotted roof decking. While working a section of roof decking collapsed and the employee fell approximately forty feet, received a skull fracture and was killed.

**Keywords:** collapse, deck, fall, fall protection, fracture, roof, roof collapse, roofer, skull

<table>
<thead>
<tr>
<th>End Use</th>
<th>Proj Type</th>
<th>Proj Cost</th>
<th>Stories</th>
<th>NonBldgHt</th>
<th>Fatality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial building</td>
<td>Maintenance or repair</td>
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<td></td>
<td>40</td>
<td>X</td>
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<table>
<thead>
<tr>
<th>Employee #</th>
<th>Inspection</th>
<th>Age</th>
<th>Sex</th>
<th>Degree</th>
<th>Nature</th>
<th>Occupation</th>
<th>Fatality</th>
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<tr>
<td>1</td>
<td>1531221.015</td>
<td>42</td>
<td>M</td>
<td>Fatality</td>
<td></td>
<td>Rooters</td>
<td></td>
</tr>
</tbody>
</table>

**Fall Dist:** 40  
**Fall Ht:** 40  
**Cause:** Roofing  
**Fat Cause:**
Accident: 135888.016 - Employee Falls From Roof And Is Killed

Accident Report Detail

At 8:37 a.m. on May 27, 2021, an employee completed jackhammering a section of roof as part of a demolition job and began to walk along the exposed edge. At some point, a section of the roof that the employee walked on broke apart; the employee fell approximately sixty feet and was killed.

**Keywords:** demolition, fall, fall protection, jackhammer, roof, roof collapse, roof opening

<table>
<thead>
<tr>
<th>End Use</th>
<th>Proj Type</th>
<th>Proj Cost</th>
<th>Stories</th>
<th>NonBidgHt</th>
<th>Fatality</th>
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<tbody>
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<td>Demolition</td>
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<td>6</td>
<td>X</td>
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<table>
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<tr>
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<th>Inspection</th>
<th>Age</th>
<th>Sex</th>
<th>Degree</th>
<th>Nature</th>
<th>Occupation</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>1533454.015</td>
<td>49</td>
<td>M</td>
<td>Fatality</td>
<td></td>
<td>Construction laborers</td>
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</table>

**FallDist:** 60
**FallHt:**
**Cause:** Demolition
**FatCause:**
Inspect the deck from underneath whenever possible

If deck cannot be inspected prior to tear-off, and there are other indicators of poor condition, assume it cannot be walked on and plan accordingly