

EXECUTIVE SUMMARY

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Summary of Davis Brothers Framing – Decision After Reconsideration

After employer was cited for failure to comply with section 1670(a) [fall protection], the section was amended to require protection at 15 feet and above, rather than 7.5 feet. The Board held the evidence proved employees were exposed to a fall of 18 feet, and thus a violation of the amended safety order was established. Board precedent stating that employers receive the benefit of amended safety orders did not apply because employer was in violation of both old and new requirements.

Davis Brothers Framing, 03-0114

June 10, 2010

1670(a)