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• Standard Number: 1926.106

December 10, 1998

MEMORANDUM FOR: CHUCK ADKINS
REGIONAL ADMINISTRATOR

FROM: RUSSELL B. SWANSON, DIRECTOR
DIRECTORATE OF CONSTRUCTION

ATTENTION: GLENN TAYLOR

SUBJECT: INTERPRETATION OF 29 CFR 1926.106

This is in response to your April 10, 1998 request for an interpretation of § 1926.106. § 1926.106(a) and (b) require that employees working over or near water be provided with life jackets or buoyant work vests, and that the vests be inspected. § 1926.106(c) requires that ring buoys be available; under .106(d), there must also be a lifesaving skiff present. Your question is whether these provisions must be met where the workers on a bridge "are constantly protected by guardrail systems, nets, or body belt/harness systems..."

The requirements in § .106(c) and (d) for ring buoys and a skiff address the hazard of falls that may occur in the event of a failure of the operation or use of the guardrails or fall protection devices. Therefore, ring buoys and a skiff must be provided irrespective of the fall protection provided on the bridge.

The provisions in .106(a) and (b) requiring the provision and inspection of life jackets or buoyant work vests applies "where the danger of drowning exists." This phrase is not used in § .106(c) and (d). The use of this phrase in § .106(a) constitutes a recognition that there are times when it is infeasible to provide continuous fall protection. During those periods, the lack of fall protection means that the workers face a direct danger of drowning. Consequently, we interpret § .106(a) and (b) as requiring these devices only when continuous fall protection is absent, however briefly. So long as the workers are protected by guardrails or fall protection systems at all times (without exception), the life jackets (or vests) do not have to be provided.

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