

Office of Regulatory Management
Economic Review Form

Agency name	Department of Labor and Industry
Virginia Administrative Code (VAC) Chapter citation(s)	_ VAC __ - ____
VAC Chapter title(s)	Safety Standards for Fall Protection in Steel Erection, Construction Industry
Action title	Periodic Review
Date this document prepared	February 16, 2024
Regulatory Stage (including Issuance of Guidance Documents)	Periodic Review

Cost Benefit Analysis

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

NOTE: The standard requires equivalent protection for steel erection workers from falls from heights as other construction workers starting at 10 feet above a lower level (i.e., working surface) that is provided in other construction standards ([29 CFR 1926.451\(g\)\(1\)](#)), prohibits the use of controlled decking zones (CDZ), and requires fall protection for employees working in leading edge decking operations.

Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources		

Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit	Not applicable.	

(4) Other Costs & Benefits (Non-Monetized)	
(5) Information Sources	

Table 1c: Costs and Benefits under Alternative Approach(es)

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Net Monetized Benefit		
(4) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(5) Information Sources	Not applicable.	

Impact on Local Partners

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 2: Impact on Local Partners

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>The regulation neither disproportionately affects particular localities, nor affects costs for local governments, unless and to the extent that a local government contracts with a company to engage in steel erection construction in the workplace and the contractor is required to follow the required fall protection standards.</p> <p>The standard requires equivalent protection for steel erection workers from falls from heights as other construction workers starting at 10 feet above a lower level (i.e., working surface) that is provided in other construction standards (<u>29 CFR 1926.451(g)(1)</u>), prohibits the use of controlled decking zones (CDZ), and requires fall protection for employees working in leading edge decking operations.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p>	<p>Direct & Indirect Benefits</p>
	<p>(a) See (1) above.</p>	<p>(b) See (1) above.</p>
<p>(3) Other Costs & Benefits (Non-Monetized)</p>	<p>A local government employer and worksite could be subject to an inspection by DOLI. To the extent that the DOLI inspection delays completion of the project, the local government could experience a delay in use of the specific area under contract.</p> <p>Compliance with the minimum requirements of VOSH safety and health standards and regulations helps employers and employees to reduce injuries, illnesses and fatal accidents; while decreasing Workers' Compensation costs, lost productivity due to workplace disruptions, damage to infrastructure and absenteeism.</p>	
<p>(4) Assistance</p>	<p>Not applicable.</p>	

(5) Information Sources	Virginia Administrative Code - Title 16. Labor And Employment - Agency 25. Safety And Health Codes Board - Chapter 145. Safety Standards for Fall Protection in Steel Erection, Construction Industry
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Impacts on Families

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 3: Impact on Families

(1) Direct & Indirect Costs & Benefits (Monetized)	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>The regulation should not result in any costs to families.</p> <p>The regulation has a positive influence on family stability and autonomy by protecting the employee safety and health of Virginia citizens in the workplace.</p> <p>See benefits listed in Table 2 above.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable.	(b) Not applicable.
(3) Other Costs & Benefits (Non-Monetized)	See (1) above.	
(4) Information Sources	Virginia Administrative Code - Title 16. Labor And Employment - Agency 25. Safety And Health Codes Board - Chapter 145. Safety Standards for Fall Protection in Steel Erection, Construction Industry	

Impacts on Small Businesses

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

Table 4: Impact on Small Businesses

<p>(1) Direct & Indirect Costs & Benefits (Monetized)</p>	<ul style="list-style-type: none"> • Direct Costs: Describe the direct costs of this proposed change here. • Indirect Costs: Describe the indirect costs of the proposed change. • Direct Benefits: Describe the direct benefits of this proposed change here. • Indirect Benefits: Describe the indirect benefits of the proposed change. <p>Small businesses will incur the costs associated with following the safety and health standard procedures required in this regulation when engaging in steel erection activities. Such employers are already required to provide workers personal fall arrest systems in steel erection fall heights at 15 feet and above, so no additional costs should be incurred for such protective devices when the work is at 10 feet or above.</p> <p>See benefits listed in Table 2 above.</p>	
<p>(2) Present Monetized Values</p>	<p>Direct & Indirect Costs</p>	<p>Direct & Indirect Benefits</p>
	<p>(a) Not applicable.</p>	<p>(b) Not applicable.</p>
<p>(3) Other Costs & Benefits (Non-Monetized)</p>	<p>See (1) above.</p>	
<p>(4) Alternatives</p>	<p>The alternative to this regulation would be to adopt the federal standard in its stead. The Virginia unique regulation closely mirrors the federal OSHA requirements, with three material differences. These include fall protection at 10 or more feet, personal fall arrest systems when connecting steel lifted in the air, and prohibition of controlled decking zones (CDZ). Federal OSHA’s requirement for fall protection in this situation starts at 15 feet, and in those situations where the federal standard permitted CDZs, it provides no fall protection for leading edge decking workers other than training on how to avoid falls. VOSH investigated 26 fatal construction accidents over the eleven years prior to 2003 involving falls of 15 feet or less. Although none of these accidents involved any steel erectors, they tragically demonstrated the existence of a fatal hazard involving falls of 15 feet or less. VOSH had enforced a 10 foot fall protection requirement in steel erection for over 15 years prior to 2003 through the enforcement of 29 CFR 1926.28(a) and 29 CFR 1926.105(a), and considers that policy to be at least partly responsible for the lack of fatal accidents in steel erection from falls of 15 feet or less</p>	

	<p>prior to 2003. In reviewing these 26 construction fatalities, it is significant that the large majority of the accidents involved fatal head injuries, where the use of personal fall arrest systems, guard rails, safety nets, or working from an elevated work platform would have prevented the victim’s head from hitting the ground. The Board determined that more stringent requirements for fall protection in steel erection operations is imperative to protect the health, safety, and welfare of Virginia workers.</p>
<p>(5) Information Sources</p>	<p>Virginia Administrative Code - Title 16. Labor And Employment - Agency 25. Safety And Health Codes Board - Chapter 145. Safety Standards for Fall Protection in Steel Erection, Construction Industry</p>

Changes to Number of Regulatory Requirements

DOLI does not know which sections will be modified, since the periodic review will be producing information as to what changes, if any, are warranted. DOLI will update Table 5 with precise numbers if and when it proceeds with a change to the Chapter at issue.

Table 5: Regulatory Reduction

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

Change in Regulatory Requirements

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
	(M/A):				
	(D/A):				
	(M/R):				
	(D/R):				
				Grand Total of Changes in Requirements:	(M/A):
					(D/A):
					(M/R):
					(D/R):

Key:

Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:

(M/A): Mandatory requirements mandated by federal and/or state statute affecting the agency itself

(D/A): Discretionary requirements affecting agency itself

(M/R): Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

(D/R): Discretionary requirements affecting external parties, including other agencies

Cost Reductions or Increases (if applicable)

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

Other Decreases or Increases in Regulatory Stringency (if applicable)

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden

Length of Guidance Documents (only applicable if guidance document is being revised)

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count

*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).

Changes to Number of Regulatory Requirements

For each individual VAC Chapter amended, repealed, or promulgated by this regulatory action, list (a) the initial requirement count, (b) the count of requirements that this regulatory package is adding, (c) the count of requirements that this regulatory package is reducing, (d) the net change in the number of requirements. This count should be based upon the text as written when this stage was presented for executive branch review. Five rows have been provided, add or delete rows as needed. In the last row, indicate the total number for each column.

Table 5: Total Number of Requirements

Chapter number	Number of Requirements			
	Initial Count	Additions	Subtractions	Net Change
16VAC25-145-10	0			
16VAC25-145-20	3			
16VAC25-145-30	3			
16VAC25-145-40	9			
16VAC25-145-50	5			

TOTAL	20			