



AFPM

American
Fuel & Petrochemical
Manufacturers

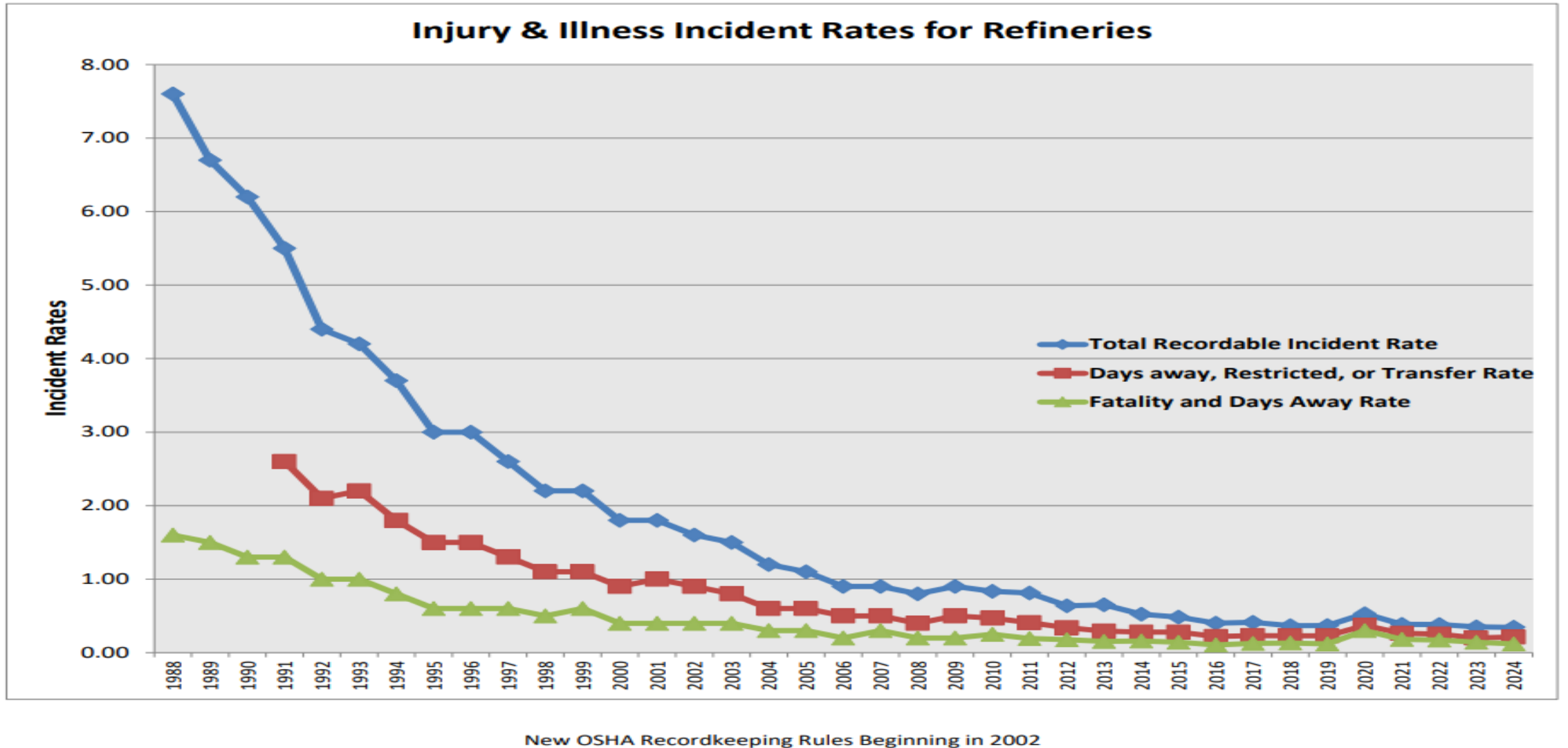
Proposed Rule for Walking-Working Surfaces – Fixed Ladders

Who We Are

We represent and promote the interests of the United States petroleum and chemical manufacturing industries.

- Our members are committed to providing a safe work environment for its employees, contractors, and the community. The industries we represent are leaders in safety and are always looking for opportunities to continuously improve and reduce risks.
- As a result of this commitment, the refining and chemical industries continuously have some of the lowest OSHA recordable rate in the entire manufacturing sector according to the Bureau of Labor Statistics (BLS).
- We seek the option to use all technologies that ensure worker safety

AFPM Members Have an Outstanding Safety Record



How We Got Here

Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems rule).

Proposed Rule, 75 Fed. Reg. 28,862 (May 24, 2010).	Final Rule, 81 Fed. Reg. 82,494 (Nov. 18, 2016).
Provide fall protection with choice of	Provide fall protection with only
<ul style="list-style-type: none"> • Ladder safety systems 	<ul style="list-style-type: none"> • Ladder safety systems
<ul style="list-style-type: none"> • Personal fall protection systems 	<ul style="list-style-type: none"> • Personal fall protection systems
<ul style="list-style-type: none"> • Cages 	
<ul style="list-style-type: none"> • Wells 	Cages and wells to be phased out by 2036

AFPM's Petition for Rulemaking

1

Repeal requirement to use personal fall arrest systems on all fixed ladders over 24 feet

2

Allow employers to have the option to use ladder cages or wells

3

Alternatively, “grandfather” fixed ladders installed or require personal fall protective systems on new ladders before the effective date of the amended rule to allow cages or wells

Ladder Fall Protection Systems Offer Questionable Safety Benefits

There is no technical support for the Final Rule

- No studies show it is safer to remove the option for cages and wells
- The study relied upon by OSHA admits it does not know the safety performance of ladder cages
- The Oregon Dept. of Transportation acknowledges there are appropriate uses of cages and wells

The administrative record supports flexibility

- Comments submitted by the ILTA and the American Society of Safety Engineers supported use of fall arrest systems, cages, or wells, as appropriate
- Arbitrary and capricious for OSHA to ignore evidence in the record

Wells and cages provide effective fall protection

- In the refining sector alone has tens of thousands of covered ladders and 1.5 million employees and contractors working at their facilities
- In the last ten years, our sectors have seen ZERO fatalities and few injuries from falls from covered ladders

Advantages of Cages and Wells Over Personal Fall Arrest Systems (FAS)

Advantages of cages

- Provides passive protection for all employees who climb ladders
- They do not rely on employee judgement or use
- No requirement for employees to supervise employees use of the fall arrest system

FAS increase risks to employees

- Could delay emergency response on elevated equipment
- Discomfort and exertion could decrease use
- Requirement to wear PPE increases risk of heat stress
- Additional inspections increases risk of other non-fall-related injuries

FAS does not protect employees at all times

- Employees must disconnect while on the ladder
- Harnesses may not be compatible
- Step-through/walk-through ladders do not extend to the top platform
- Employees using side-step ladders must disconnect before stepping onto the platform

The 2016 Rule Increases Risk of Injury

1. There are significant hazards associated with reconfiguring, replacing, or retrofitting ladders to comply with the current fixed ladder requirements.
 - One member estimates 1,870,530 working hours will be required to comply with the OSHA's current ladder rule
2. One member estimates 1,870,530 working hours will be required to comply with the OSHA's current ladder rule. Increased working hours exposes workers to:
 - Working from heights
 - Cutting, burning, and welding in proximity to process units
 - Complex crane work over hazardous processing activities
 - Working with heavy machinery near hazardous processing activities
 - Exposure to falls while retrofitting or replacing ladders
3. The requirement to retrofit or replace ladders is more likely to result in an injury than using a ladder equipped with a cage

The Rule Imposes Extraordinary Costs

Affected Ladders

- This rule applies to 22,000 ladders in the refining and petrochemical sectors

Compliance Costs

- Total compliance cost for the U.S. refining sector alone could be \$3 billion

Compliance Timeframe

- Millions of working hours will be required
- It will take years to come into compliance

Increased O&M

- Increased cost to inspect and maintain equipment
- Training for employees and contractors
- Some ladder retrofits may require engineering studies

Reverting to the Pre-2016 Rule is Consistent with Executive Orders and OMB Directives

Reduces regulatory burden

Unleashing Prosperity Through Deregulation, Exec. Order No. 14192, § 2 (Jan. 20, 2025)

Reduces burden on those developing domestic energy

Unleashing American Energy, Exec. Order No. 14154 (Jan. 20, 2025)

Eliminate regulations where costs exceed benefits and impede domestic energy production

Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative, Exec. Order No. 14219 (Feb. 19, 2025)

Consider cost and safety benefits when evaluating regulations for repeal

OMB, *Memorandum: Guidance Implementing the President's Memorandum Directing the Repeal of Unlawful Regulations*, No. M-25-28 at 2 (May 7, 2025)



Thank you!