

**North Carolina Department of Labor  
Division of Occupational Safety and Health**

**Raleigh, North Carolina**

Field Information System

Standards Notice 74

**Subject:** Fall protection requirements for work involving “dry laid” masonry retaining walls, 29 CFR 1926.501 (Subpart M)

A. **Discussion.**

This standards notice addresses fall protection requirements associated with the installation of dry laid (dry stacked) retaining walls. The unguarded leading edge of the wall is a fall hazard. This notice covers residential, institutional, or commercial construction projects where retaining walls are being built and where a fall greater than six feet from the leading edge of the wall under construction to a lower level exists.

A dry laid masonry retaining wall is an engineered retaining wall system constructed by dry stacking masonry units on top of each other while simultaneously placing a geo-grid material and backfilling behind masonry wall. These wall systems provide protection from embankment behind or allow for the leveling and backfilling of ravine/low areas sites.

Employers assume that the construction of dry laid masonry walls is considered “overhand bricklaying.” Overhand bricklaying is the process of laying bricks and masonry units such that the surface of the wall to be jointed is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. Overhand bricklaying is exempt from the fall protection standards and allows an employee to work at the leading edge in a “controlled access zone.”

B. **Interpretation.**

OSHNC does not consider the engineered method of dry stacking masonry units on top of each other to create a retaining wall as “Overhand Bricklaying”. Infeasibility will not be accepted as a defense in this case. It is important to recognize that the term, “infeasible” is not synonymous with “inconvenient”. OSHNC recognizes that current systems of fall protection, fall restraint, and guardrail system are feasible and have been successfully used on retaining wall construction projects.

Subpart M clarifies the duty to provide fall protection for employees engaged in work involving unprotected sides and edges, 1926.501(b)(1). Additionally, Subpart M requires each employee to be protected by guardrail, personal fall arrest, or safety net system, 1926.501(b)(2). The rule further provides that employers who demonstrate this is infeasible or creates a greater hazard to use conventional fall protection must establish supporting rationale in a fall protection plan.

C. **Action.**

For construction workers erecting dry laid masonry retaining walls, OSHNC will cite (Subpart M) 29 CFR 1926.501(b)(1) and (b)(2) when appropriate fall protection measures are not used.

D. **Effective Date.**

This SN is effective on the date of signature. It will remain in effect until revised or canceled by the director.

Signed on Original  
Ed Lewis  
Safety Standards Officer

Signed on Original  
Allen McNeely  
Director

5/26/2009  
Date of Signature