



Josh Dobson  
Commissioner of Labor

Jennifer Haigwood  
Deputy Commissioner/Director  
Occupational Safety and Health Division

January 9, 2023

McGee Brothers Company, Inc.  
4608 Carricker Road  
Monroe, NC 28110

To Whom it May Concern:

Please find a copy enclosed of the recently effective Standards Notice (SN) 78 - *Pump Jack Scaffold System – Workbench Used as a Toprail*. This SN was drafted to bring closure to continued confusion on situations when workbenches can be used as the toprail of a guardrail system on pump jack scaffold systems.

On August 11, 2011, Mr. Allen McNeely, North Carolina Department of Labor (NCDOL), Occupational Safety and Health Division (OSH) director at the time, relayed concerns related to the safe use of pump jack scaffolds. The main concern was related to use of the scaffold workbench as a toprail as outlined in training program material posted on federal OSHA's website. In this material, which has since been removed by OSHA, the training program incorrectly stated that the vertical height and horizontal depth of the workbench could be added together to determine compliance with the toprail height requirements in the OSHA standard. Mr. McNeely added to his letter an attachment with OSHA's statement on removing the training material in question. The attached information also showed OSHA's statement that "...OSHA-approved State Plans are aware of the issues concerning the pump jack scaffolds photo compliance guide document and its removal from OSHA's website."

In his letter, Mr. McNeely went on to discuss the specific requirements set forth under OSHA standards section § 1926.451 and the *ANSI A10.8* guidance related to the same topic. In the last paragraph, Mr. McNeely stated that "...If the work practices are still the same as those observed in 2000, then the work practice would be in compliance with the scaffolding standards." Please note that the August 11, 2011, letter also:

- (1) Specifically addressed an issue observed by our agency representative(s) on a specific date (02/06/2000);
- (2) Provided guidance related to the pump jack conditions that existed at a specific work site in the year 2000; and,
- (3) Re-confirmed OSHA's removal of misleading and incorrect pump jack training material from their website, and NCDOL's subsequent removal.

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We hope that the clarification provided in this SN will serve to avoid further misinterpretation of the letter in question or any other previous letters our agency has issued to your company regarding this matter.

In general, during an OSHA compliance visit our agency representative(s) will assess compliance based on the current OSHA standards applicable to the specific work conditions observed during that visit.

If you have any additional questions or would like to discuss this matter further, please feel free to contact me. Thank you for your continued efforts to providing a safe working environment to your employees here in North Carolina.

Sincerely,



Jennifer Haigwood

Deputy Commissioner/Director

Encls: SN 78 - *Pump Jack Scaffold System – Workbench Used as a Toprail*

Letter and enclosures sent to McGee Brothers Company, Inc from NCDOL on April 27, 2001

Letter and enclosures sent to McGee Brothers Company, Inc from NCDOL on August 11, 2011

cc: Paul Sullivan, Assistant OSH Director, Occupational Safety and Health Division

Wanda Lagoe, Bureau Chief, Education, Training and Technical Assistance

Hollis Yelverton, Standards Supervisor, Education, Training and Technical Assistance

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

**Raleigh, North Carolina**

Field Information System

Standards Notice 78

**Subject:** Pump Jack Scaffold System – Workbench Used as a Toprail

**A. Standards.**

1. 29 CFR 1926 Subpart L – Scaffolds.
2. 29 CFR 1926.451 – General requirements.
3. 29 CFR 1926.451(g)(4)(ii), (vii), (viii), and (xiii) – Fall protection, Guardrail systems.
4. 29 CFR 1926.452(j)(3) – Pump jack scaffolds, Guardrails.

**B. Discussion.**

This Standards Notice was created to provide additional clarification on when the use of workbenches as toprails on pump jack scaffolds is acceptable within the OSHA standards.

Previously, OSHA published a Pump Jack/Ladder Jack Scaffold Photo Compliance Guide (dated March 1998) on their website. Among other things, the guide contained a photograph of a pump jack scaffold where there was no midrail installed and the workbench was used as both midrail and toprail. The guide also contained language indicating that there was “no violation” and that “no midrail is needed because the gap between platforms is 23 inches. The workbench can serve as a toprail because the vertical distance from the platform is 23 inches + 4 inch thick platform + 12 inch horizontal plank width = 39 inches.” While this guide was still active on OSHA’s website, the OSH Division referenced the guide along with the requirements under the applicable OSHA standards in communication with employers. Additionally, the OSH Division provided written correspondences to one employer regarding a specific situation on this issue, which may have become accessible to other employers in the industry.

OSHA published a standard letter of interpretation (LOI), dated May 24, 2011, where this matter was discussed and clarified. In this LOI, the customer asked if the width of the workbench on a pump jack scaffold could be used to achieve the correct vertical height for a toprail to comply with the OSHA guardrail requirements for pump jack scaffolds. In their LOI, OSHA stated that the workbench width cannot be added to the workbench height to determine an overall height and confirms the applicability of 29 CFR 1926.452(j) regarding the use of workbench as toprail only if it meets all the requirements contained in paragraphs (ii), (vii), (viii), and (xiii) of § 1926.451. In the LOI, OSHA stated that the Pump Jack/Ladder Jack Scaffold Photo Compliance Guide (dated March 1998) had been removed from their official website. OSHA also indicated that State Plans OSHA programs would be made aware of the removal from the website.

As a State Plan, the OSH Division adopts and enforces occupational safety and health standards that are either identical to or at least as effective as Federal OSHA. Upon being made aware of OSHA’s position, the OSH Division removed any references to OSHA’s Pump Jack/Ladder Jack Scaffold Photo Compliance Guide (dated March 1998) and confirmed applicability of the OSHA standards in these situations. Consistent with those actions, the position expressed in this Standards Notice supersedes any previous communication issued by NCDOL regarding conditions that might have been observed at a specific job or worksite.

C. **Interpretation.**

Employers using or allowing the use of pump jack scaffolds on their jobsites/worksites are required to comply with the current OSHA standards adopted for use in NC. In regard to using workbenches as toprails, these standards include, but are not limited to the following:

**29 CFR 1926.452(j)(3)** - When guardrails are used for fall protection, a workbench may be used as the toprail only if it meets all the requirements in paragraphs (g)(4) (ii), (vii), (viii), and (xiii) of § 1926.451.

**29 CFR 1926.451(g)(4)(ii)** - The top edge height of toprails or equivalent member on supported scaffolds manufactured or placed in service after January 1, 2000, shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface. The top edge height on supported scaffolds manufactured and placed in service before January 1, 2000, and on all suspended scaffolds where both a guardrail and a personal fall arrest system are required shall be between 36 inches (0.9 m) and 45 inches (1.2 m). When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the guardrail system meets all other criteria of paragraph (g)(4).

**29 CFR 1926.451(g)(4)(vii)** - Each toprail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 100 pounds (445 n) for guardrail systems installed on single-point adjustable suspension scaffolds or two-point adjustable suspension scaffolds, and at least 200 pounds (890 n) for guardrail systems installed on all other scaffolds.

**29 CFR 1926.451(g)(4)(viii)** - When the loads specified in paragraph (g)(4)(vii) of this section are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in paragraph (g)(4)(ii) of this section.

**29 CFR 1926.451(g)(4)(xiii)** - Steel or plastic banding shall not be used as a toprail or midrail.

D. **Inspection Guidance.**

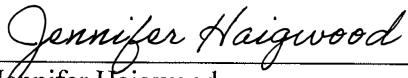
Compliance Safety and Health Officers will ensure employers covered by these OSHA standards are meeting or exceeding the requirements set forth under 29 CFR 1926 Subpart L - Scaffolds, including but not limited to: § 1926.451 - General requirements, § 1926.451(g)(4), paragraphs (ii), (vii), (viii), and (xiii) – Fall Protection, Guardrails systems, as well as § 1926.452(j)(3) – Additional requirements applicable to specific types of scaffolds; Pump jack scaffolds (guardrails).

E. **Effective Date.**

This Standards Notice is effective on the date of signature. It will remain in effect until revised or canceled by the Director.



\_\_\_\_\_  
Altagracia Guzman  
Safety Standards Officer



\_\_\_\_\_  
Jennifer Haigwood  
OSH Director

12/13/2022

\_\_\_\_\_  
Date of Signature



# COPY

## NORTH CAROLINA DEPARTMENT OF LABOR

CHERIE K. BERRY  
COMMISSIONER

April 27, 2001

JOHN H. JOHNSON  
DEPUTY COMMISSIONER/DIRECTOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

### OSHA Standard Interpretation and Compliance Letter - Table of Contents

- **Record Type:** Interpretation
- **Standard Numbers:** 1926.451, 1926.452
- **Subject:** Pump Jack Scaffolding System (Masonry use), McGee Brothers Company, Inc.

Mr. Don McGee  
McGee Brothers Company, Inc.  
4608 Carrick Road  
Monroe, North Carolina 28110

Dear Mr. McGee:

This letter is provided to bring closure to on-going dialogue between 2/16/2000 and 5/19/2000 addressing issues and/or concerns related to pump jack scaffolding as presented previously by McGee Brothers Company, Inc. I apologize that the action to complete this response was not provided you before now. The information attached is essentially the same as that contained in a draft document discussed and provided you and company representatives at a meeting held in Charlotte on 5/19/2000 (attended by Bob Andrews and Bobby Davis). That meeting allowed discussion of the proposed pump jack scaffold system as designed by Mr. David Young and interpretation of related safety standards. In addition, that meeting gave us the opportunity to address issues which stemmed from Standards Officer Bobby Davis' visit to your company and job site on 2/16/2000. We also evaluated your previous request for a variance from standards which regulate pump jack scaffolding. In subsequent discussion after the 2/16 meeting, it was agreed that a variance request did not properly address your company's concerns as indicated in your letter about pump jack use. It was determined that an interpretation of the standard and/or clarification best addressed your specific concerns. Therefore the enclosed attachment (six total pages) is offered to clarify the 14 issues addressed.

As an agency, we will ensure our compliance personnel are provided information and training on pump jack scaffold systems as proposed for use by your company. I encourage you to continue your efforts to ensure your employees are trained and use the pump jack system as indicated in the design by Mr. Young. I believe the focus of our combined efforts will work to ensure employee safety and compliance with appropriate safety standards. Please note that the interpretation provided for Item #2 stipulates that your company no longer modify scaffold planking by embedding rebar across the planks and parallel to the bearers. If we can be of any further assistance regarding employee safety or health related concerns please contact Bobby Davis at (919) 807-2873; email: b.davis@mail.dol.state.nc.us.

Sincerely,

John H. Johnson  
Director

Standard Interpretation Provided for McGee Brothers Construction Company

Employer Request/Concern	Standard Referenced by Employer	NCDOL/OSHA ETTA Standard Interpretation	Engineer Data
1. Request NC/OSHA accept PE David Young's 1992 study and specs (updated 01/25/2000) to allow wooden poles to extend vertical distance greater than 30 ft.; company desires 50 ft overall vertical distance.	1926.451(a)(1): Except as provided (a)(2), (a)(3), (a)(4), (a)(5), and (g) of this section, each scaffold and scaffold component shall be capable of supporting, without failure, its own weight and at least 4 times the maximum intended load applied or transmitted to it.	As recognized by the Notice of Proposed Rulemaking for Subpart L—Scaffolds, issued November 25, 1986 (51 FR 42680), <b>design of a scaffold system by a registered professional engineer is acceptable provided the capacity criteria of paragraph .451(a) and the use criteria of .451(f) of the proposal are met</b> . In addition, the employer needs to ensure manufacturer approval is provided as necessary for component(s) that may be in conflict with intended/advertised use (i.e. weight limit specification of pump jack). The employer is also responsible to ensure compliance with other applicable section(s) of the standard for pump jack scaffolds.	YES
2. Request NC/OSHA accept PE David Young's 1992 study (updated 01/25/2000) allowing weight limit greater than 500 pounds per bay; company desires 1200 lbs.	1926.451(a)(6): Scaffolds shall be designed by a qualified person and shall be constructed and loaded in accordance with that design. Non-mandatory Appendix A to this subpart contains examples of criteria that will enable an employer to comply with paragraph (a) of this section.	<p>The weight limit (maximum intended load of 500 pounds between poles) is now stated in the Non-mandatory Appendix of the safety standard; however, ANSI A-10.8 also establishes a requirement that pump jack scaffolds shall be designed for a working load of 500 pounds. Similarly, as stated in interpretation to address item 1, <b>design of a scaffold system by a registered professional engineer is acceptable provided the capacity criteria of paragraph .451(a) and the use criteria of .451(f) of the proposal are met</b>. <b>Under these guidelines the registered professional engineer is recognized or accepted as a "qualified person"</b>. Again, as related to this issue of concern, the employer should remain aware of limitations or restrictions for equipment or integral parts established by the manufacturer. In addition, the employer is responsible to ensure the scaffolding is erected and used in accordance with design limitations specified by a registered professional engineer; to include compliance with other applicable section(s) of the standard.</p> <p><i><b>Point of Concern for Employer's Proposed Plan/Scaffold Design Not Address by Engineer (Planking)</b></i></p> <p>A point of concern related to scaffold planking was noted at time of the visit to the job site on 02/16/2000. The Safety Standards Officer learned the use of rebar as reinforcement for planking had not been considered or addressed by the engineer for the proposed scaffold design. (NOTE: At meeting held on 05/19 the employer stated use of rebar was no longer being considered or used as option to strengthen/reinforce planking)</p>	YES

Standard Interpretation Provided for McGee Brothers Construction Company

<p><b>3. Request Variance or letter of interpretation to allow work bench position to serve as top rail on pump jack scaffold.</b></p>	<p><b>Non-Mandatory App. A (1926 Subpart L App. A)</b></p> <p>This appendix provides non-mandatory guidelines to assist employers in complying with the requirements of Subpart L of this part. However, the guidelines do not provide all the information necessary to build a complete system, and the employer is still responsible for designing and assembling these components in such a way that the complete system will meet the requirement of 1926.451(a).</p>	<p>1926.452(j)(3) is more specific to address how work benches may be used as the top rail when guardrails are used as fall protection for pump jack scaffold. Specifically, the standard states that the workbench may be used as fall protection only if all requirements in paragraphs (g)(4)(ii), (vii), (viii), and (xiii) of 1926.451 are met. 1926.452(j)(4) may also be helpful to address other possible concern(s) about work bench use; wherein the standard is specific in stating work benches shall not be used as scaffold platforms. As related to the pump jack scaffold system used by McGee Brothers, 1926.451(g)(4)(ii) states: <b>The top edge heights of toprails or equivalent member or supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above platform surface.</b> Training material and information provided by Federal OSHA states no midrail is needed in an example provided (photo slide, Pump Jack/Ladder Jack Scaffold Photo Compliance Guide – March 1998) in which gap between platforms is 23 inches. In this example the work bench can serve as top rail because the vertical distance from the platform is 23 inches + 4 inch thick platform + 12 inch horizontal plank width = 39 inches. Further, ANSI A-10.8 (1988, 1977) established: When a workbench is used at an approximate height of 42 inches, the toprail may be eliminated if the workbench is full decked, if the planking is secured, and if it is capable of withstanding a 200-pound force in any direction. 1926.451(g)(4)(vii) states the following as related to system used by McGee Brother's: Each toprail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 200 pounds (890 n). Requirements stated in 1926.451(g)(4)(viii) are: When the loads specified in paragraph (g)(4)(vii) of this section are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in paragraph (g)(4)(ii) of this section. 1926.451(g)(4)(xiii) states steel or plastic banding shall not be used as a top rail or midrail.</p>	<p>YES</p>
<p><b>4. Request NC/OSHA accept field testing by PE to allow pump jack poles to go up to 50 feet and maximum intended load be increased to 1200 lbs</b></p>	<p><b>Appendix A – (j): Pump Jack Scaffolds</b></p> <p>Wood poles shall not exceed 30 feet in height. Maximum intended load—500 lbs between poles; applied at the center of the span.</p>	<p>As understood by NCDOL/OSH the employer's concern and point of interest is that this requirement is now stated in the Non-mandatory Appendix of the standard. However, ANSI A-10.8 established requirements that: (1). Wood poles shall not exceed 30 feet in height for pump jack scaffolds; (2) pump jack scaffolds shall be designed for a working load of 500 pounds. The interpretation(s) as provided to address Item 1 and Item 2 should also be helpful to address employer's concern and desire stated here. Again, as stated in interpretation to address item 1, <b>design of a scaffold system by a registered professional engineer is acceptable provided the capacity criteria of paragraph .451(a) and the use criteria of .451(f) of the proposal are met.</b> Also, as related to this issue of concern the employer should remain aware of limitations or restrictions for equipment or integral parts established by manufacturer. In addition, the employer is responsible to ensure the scaffolding is erected and used in accordance with design specified by registered professional engineer; to include compliance with other applicable standards in section(s).</p>	<p>YES</p>

Standard Interpretation Provided for McGee Brothers Construction Company

<p><b>5. Employer feels they already comply with 1926.452(j)(1). McGee Brothers provided comments or documents that all their pump jacks are fabricated from metal plates, angles, and rounds, and have two gripping mechanisms to prevent slippage</b></p>	<p><b>1926.452(j)(1):</b> Pump jack brackets, braces and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two gripping mechanisms to prevent slippage.</p>	<p>As understood by NCDOL/OSH, the position/point of interest by employer for this item is to confirm McGee Brothers Company, Inc. awareness of requirements and to state efforts that exist to comply with 1926.451(j)(1).</p>	<p>YES</p>
<p><b>6. Either a permanent variance to allow a combination of wood and metal bracing for the system, or a letter of interpretation to explain purpose and application of (j)(1) and (j)(2).</b></p>	<p><b>1926.452(j)(2):</b> Poles shall be secured to the structure by <b>rigid triangular bracing or equivalent</b> at the bottom, top, and other points as necessary.</p>	<p>NCDOL/OSH understands employer's concern and view (per sources of information provided to OSH department by company) that 1926.452(j)(2) does not state or establish a requirement for brace material to be metal as so stated in 1926.452(j)(1). The requirements stated in 1926.452(j)(2) do allow provision of rigid triangular bracing or "equivalent" means to secure poles to the structure.</p>	<p>YES</p>
<p><b>7. Variance or letter of interpretation to accept McGee Brothers policy, wherein they place in &amp; out below the scaffold platform along with X-bracing before the brace above the platform is removed.</b></p>	<p><b>1926.452(j)(2):</b> When the pump jack has to pass bracing already installed, an additional brace shall be installed approximately 4 feet (1.2 m) above the brace to be passed, and shall be left in place until the pump jack has been moved and the original brace reinstalled</p>	<p>NCDOL/OSH understands the employer's (McGee Brothers) position for this item as: their pump jack scaffold system is designed by professional engineer (Mr. David Young, P.E.). Given this point, it is acceptable to use the method of in and out (eyebolt ties through structure) below scaffold platform along with X-bracing provided this measure meets requirements of scaffold design and also works to meet or exceed intent of 1926.452(j)(2) as an equivalent action</p>	<p>YES</p>

## Standard Interpretation Provided for McGee Brothers Construction Company

<p><b>8. Variance or letter of interpretation to accept workbench position to serve as top rail. The workbench height (24 inches) and depth (@ 20 inches) provide 44 inches fall protection surface.</b></p>	<p><b>1926.452(j)(3):</b> When guardrails are used for fall protection, a workbench may be used as the top rail only if it meets all the requirements in paragraphs (g)(4) (ii), (vii), (viii), and (xiii) of 1926.451</p>	<p>This issue was first addressed in Item 2; it will be restated here to address Item 8. <b>1926.452(j)(3) is specific to address how work benches may be used as the top rail when guardrails are used fall protection for pump jack scaffold. The standard states only if all requirements in paragraphs (g)(4)(ii), (vii), (viii), and (xiii) of 1926.451 are met. 1926.452(j)(4) may also be helpful to address other possible concern(s) about work bench use; this standard is specific in stating work benches shall not be used as scaffold platforms.</b> To address guardrail requirement(s) for pump jack scaffold system used by McGee Brothers 1926.451(g)(4)(ii) states: The top edge heights of top rails or equivalent member or supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above platform surface. Training material and information provided by Federal OSHA states no midrail is needed in an example provided (photo slide, Pump Jack/Ladder Jack Scaffold Photo Compliance Guide – March 1998) in which gap between platforms is 23 inches. In this example the work bench can serve as top rail because the vertical distance from the platform is 23 inches + 4 inch thick platform + 12 inch horizontal plank width = 39 inches. Further, ANSI A-10.8 (1988, 1977) established: When a workbench is used at an approximate height of 42 inches, the top rail may be eliminated if the workbench is full decked, if the planking is secured, and if it is capable of withstanding a 200-pound force in any direction. 1926.451(g)(4)(vii) states the following as related to system used by McGee Brothers: Each top rail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 200 pounds (890 n). Requirements stated in 1926.451(g)(4)(viii) are: When the loads specified in paragraph (g)(4)(vii) of this section are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in paragraph (g)(4)(ii) of this section. 1926.451(g)(4)(xiii) states steel or plastic banding shall not be used as a top rail or midrail.</p>	<p>YES</p>
<p><b>9. Request letter of interpretation to accept workbench position to serve as top rail. The workbench height (24 inches) and depth (@ 20 inches) provide 44 inches fall protection surface</b></p>	<p><b>1926.451(g)(4)(ii):</b> The top edge height of top rails or equivalent member on supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface . . (plus additional information on suspended scaffolds, i.e. top edge height or equivalent member being between 36 inches (0.9 m) and 45 inches (1.2 m).</p>	<p>The employer's concern as indicated in this item have been addressed in general by an interpretation provided for Item 4 and Item 8: As related to pump jack scaffold system used by McGee Brothers 1926.451(g)(4)(ii) states: The top edge heights of top rails or equivalent member or supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above platform surface. Training material and information provided by Federal OSHA states no midrail is needed in an example provided (photo slide, Pump Jack/Ladder Jack Scaffold Photo Compliance Guide – March 1998) in which gap between platforms is 23 inches. In this example the work bench can serve as top rail because the vertical distance from the platform is 23 inches + 4 inch thick platform + 12 inch horizontal plank width = 39 inches. Further, ANSI A-10.8 (1988, 1977) established: When a workbench is used at an approximate height of 42 inches, the top rail may be eliminated if the workbench is full decked, if the planking is secured, and if it is capable of withstanding a 200-pound force in any direction. 1926.451(g)(4)(vii) states the following as related to system used by McGee Brothers: Each top rail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 200 pounds (890 n). Requirements stated in 1926.451(g)(4)(viii) are: When the loads specified in paragraph (g)(4)(vii) of this section are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in paragraph (g)(4)(ii) of this section. 1926.451(g)(4)(xiii)</p>	<p>YES</p>

## Standard Interpretation Provided for McGee Brothers Construction Company

		states steel or plastic banding shall not be used as a top rail or midrail.	
10. Request letter of interpretation to accept workbench position to serve as top rail. The workbench height (24 inches) and depth (@ 20 inches) provide 44 inches fall protection surface. Company states strength of workbench is such that it has minimal sag.	1926.451(g)(4)(vii): Each top rail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 100 pounds (445 n) for guardrail system installed on single-point adjustable suspension scaffolds or two-point adjustable suspension scaffolds, and at least 200 pounds (890 n) for guardrail systems installed on all other scaffolds.	For pump jack scaffold system used by McGee Brothers 1926.451(g)(4)(ii) is interpreted first to identify position of top rail, the requirement are understood as: The top edge heights of top rails or equivalent member on supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above platform surface. 1926.451(g)(4)(vii) addresses the strength requirement of top rail to withstand an applied force: Each top rail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 200 pounds (890 n). Requirements stated in 1926.451(g)(4)(viii) also address top rail specification: When the loads specified in paragraph (g)(4)(vii) of this section are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in paragraph (g)(4)(ii) of this section. Training material and information provided by Federal OSHA states no midrail is needed in an example provided (photo slide, Pump Jack/Ladder Jack Scaffold Photo Compliance Guide – March 1998) in which gap between platforms is 23 inches. In this example the work bench can serve as top rail because the vertical distance from the platform is 23 inches + 4 inch thick platform + 12 inch horizontal plank width = 39 inches. Further, ANSI A-10.8 (1988, 1977) established: When a workbench is used at an approximate height of 42 inches, the top rail may be eliminated if the workbench is full decked, if the planking is secured, and if it is capable of withstanding a 200-pound force in any direction. 1926.451(g)(4)(xiii) states steel or plastic banding shall not be used as a top rail or midair.	YES
11. Variance or letter of interpretation to accept workbench position to serve as top rail. The workbench height (24 inches) and depth (@ 20 inches) provide 44 inches fall protection surface. Company states strength of workbench is such that it has minimal sag	1926.451(g)(4)(viii): When the loads specified in paragraph (g)(4)(vii) of this section are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in (g)(4)(ii) of this section	1926.451(g)(4)(vii) states the following as related to system used by McGee Brother's: Each top rail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 200 pounds (890 n). Requirements stated in 1926.451(g)(4)(viii) are: When the loads specified in paragraph (g)(4)(vii) of this section are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in paragraph (g)(4)(ii) of this section. For scaffold system used by McGee Brother's 1926.451(g)(4)(ii) states: The top edge heights of top rails or equivalent member on supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above platform surface. Training material and information provided by Federal OSHA states no midrail is needed in an example provided (photo slide, Pump Jack/Ladder Jack Scaffold Photo Compliance Guide – March 1998) in which gap between platforms is 23 inches. In this example the work bench can serve as top rail because the vertical distance from the platform is 23 inches + 4 inch thick platform + 12 inch horizontal plank width = 39 inches. Further, ANSI A-10.8 (1988, 1977) established: When a workbench is used at an approximate height of 42 inches, the top rail may be eliminated if the workbench is full decked, if the planking is secured, and if it is capable of withstanding a 200-pound force in any direction. 1926.451(g)(4)(xiii) states steel or plastic banding shall not be used as a top rail or midair.	YES

## Standard Interpretation Provided for McGee Brothers Construction Company

<p><b>12. McGee Brothers safety program does not allow practice of steel or plastic banding for top rail or mid rail.</b></p>	<p><b>1926.451(g)(4)(xiii):</b> Steel or plastic banding shall not be used as a top rail or a mid rail.</p>	<p>As understood by NCDOL/OSII, McGee Brothers Company, Inc.'s position/point of interest for this item is to state their awareness of and efforts that exist to comply with 1926.451(g)(4)(xiii).</p>	<p>N/A</p>
<p><b>13. Use of pallet to access pump jack scaffold; pallet positioned within 12 inches of scaffold horizontally and 20 inches vertically. McGee Brothers safety program does not allow the use of cross braces for access.</b></p>	<p><b>1926.451(e)(1):</b> When scaffold platforms are more than 2 feet above or below a point of access, portable ladders, hook-on ladders, attachable ladders, stair towers (scaffold stairways/towers), stairway-type ladders (Such as ladder stands), ramps, walkways, integral prefabricated scaffold access or direct access from another scaffold, structure, or personnel hoist, or similar surface shall be used. Cross braces shall not be used as a means of access.</p>	<p>NCDOL/OSH understands the employer's intent for this item as: provide machinery/equipment that allow employee to be lifted to desired height to access work platform while standing on pallet (fabricated type man basket). The employer uses manlift type equipment to elevate employee to desired height. Upon observing pallet referenced here, I determined that it is of adequate design as a manlift type basket, however the employer needs to be aware of other possible issues of fall protection which may (likely will) come in play when using this method and equipment to access the scaffold work platform. Specifically, the employer needs to be aware of fall protection requirements under subpart M (i.e. safety harness or other fall arrest system) when employee is exposed to fall hazard.</p>	<p>N/A</p>
<p><b>14. Use of pallet to access pump jack scaffold; pallet positioned within 12 inches of scaffold horizontally and 20 inches vertically. McGee Brothers safety program does not allow the use of cross braces for access.</b></p>	<p><b>1926.451(e)(8):</b> Direct access to or from another surface shall be used only when the scaffold is not more than 14 inches horizontally and not more than 24 inches vertically from the other surface.</p>	<p>The information stated previously to address Item 13 also applies to address item here. The employer's intent is to provide machinery/equipment and allow employee to be lifted to desired height to access work platform while standing on pallet (fabricated type man basket). In addition, the employee is expected to step momentarily onto the workbench (which also is being used as a top rail), to then step down onto work platform. The employer uses manlift type equipment to provide elevation of employee to desired height. Upon observing pallet referenced here, I determined that it is of adequate design as a manlift type basket, however the employer needs to be aware of other possible issues of fall protection which may/do come in play when using this method and equipment to access the scaffold work platform. Specifically, the employer needs to be aware of fall protection requirements under subpart M (i.e. safety harness or other fall arrest system) when employee is exposed to fall hazard.</p>	<p>N/A</p>



CHERIE BERRY  
COMMISSIONER OF LABOR

August 11, 2011

ALLEN MCNEELY  
DEPUTY COMMISSIONER/DIRECTOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Mr. Don McGee  
McGee Brothers Company, Inc.  
4608 Carriker Road  
Monroe, NC 28110

Dear Mr. McGee:

A letter of interpretation from Federal OSHA, dated May 24, 2011, recently came to my attention. The letter references a memo, dated April 27, 2001, from NCDOL to you that discusses, among other topics, the use of a work platform on a pump jack scaffold as the top rail of the guardrail system. Item number 3, on page two of NCDOL's letter, referenced a federal OSHA training program and illustrative photo. *"Training material and information provided by Federal OSHA states no midrail is needed in an example provided (photo slide, Pump Jack / Ladder Jack Scaffold Photo Compliance Guide – March 1998) in which gap between platforms is 23 inches. In this example the work bench can serve as the top rail because the vertical distance from the platform is 23 inches + 4 inch thick platform + 12 inch horizontal plank width = 39 inches."*

OSHA removed the entire training program that contained this example and NCDOL is removing our reference to it from the memo to you. Current ANSI A10.8 guidance on the topic states that "When a workbench is used at an approximate height of 42 inches, the top rail may be eliminated if the workbench is fully decked, the planking is secured, and it is capable of withstanding a 200-pound force applied in any direction." (paragraph 21.11)

We have not recently observed the work practice at McGee Brothers. If the work practices are still the same as those observed in 2000, then the work practices would be in compliance with the scaffolding standards. I do not believe that this wording change affects your situation. I know the agency will be happy to discuss the matter further if needed. If you have any questions about NCDOL action to remove reference stated in April 27, 2001 memo please contact Bobby Davis at (919) 807-2873; email: [bobby.davis@labor.nc.gov](mailto:bobby.davis@labor.nc.gov). Thanks for your continued work in North Carolina.

Sincerely,

Allen McNeely

Encls: Excerpts from ANSI A10.8 1988 and 2001

Copy of May 2011 federal letter of interpretation

Copy of April 2001 NCDOL memo

cc: James G. Maddux, Director  
Directorate of Construction

## Excerpts from ANSI A10.8 1988 and 2001

### **ANSI A10.8-1988/2001 Safety Requirements for Scaffolding – American National Standard for Construction and Demolition Operations**

**ANSI A10.8-1988** Para.21.10 Pump jack scaffolds shall be provided with a guardrail system as specified in 4.5. No guardrail is required when body belts with lifelines (see 4.33) are attached and provided for employees. The guardrails shall be affixed to the pump jack brackets and shall not be attached to the planking or platform.

Para. 21.11 When a workbench is used at an approximate height of 42 inches, the toprail may be eliminated if the workbench is fully decked, the planking is secured, and if it is capable of withstanding a 200-pound force in any direction.

**ANSI A10.8-2001** Para. 21.10 Pump jack scaffolds shall be provided with a guardrail system as specified in 4.6. No guardrail is required when personal fall arrest system (see 4.37) are attached and provided for employees.

Para. 21.11 When a workbench is used at an approximate height of 42 inches, the toprail may be eliminated if the workbench is fully decked, the planking is secured, and it is capable of withstanding a 200-pound force applied in any direction.



Reply to the attention of:

MAY 24 2011

Mr. Matt Main  
Assistant Safety Director  
Shiel Sexton, Co., Inc.  
902 N. Capitol Avenue  
Indianapolis, Indiana 46204

Dear Mr. Main:

Thank you for your October 3, 2008 letter to the Occupational Safety and Health Administration (OSHA). Since it involved construction issues, it was forwarded to the Directorate of Construction for response. We apologize for the delay in our reply. Your correspondence, including an OSHA guidance slide, and an April 27, 2001, North Carolina Occupational Safety and Health Division scaffold interpretation letter to Mr. Don McGee, addresses fall protection requirements for "pump jack scaffolds" used in construction. Particularly you question the accuracy of the slide, number 14 of 33 in OSHA guidance document "Pump Jack/Ladder Jack Scaffold Photo Compliance Guide," March 1998 and North Carolina's reliance on the slide. This letter constitutes OSHA's interpretation of only the requirements discussed and may not be applicable to any question not delineated in your original correspondence.

*Question: Can the width of the workbench on a pump scaffold be used to achieve the correct vertical height for a toprail to comply with the OSHA guardrail requirements for pump jack scaffolds?*

Answer:

No. Paragraph 1926.452(j) contains requirements for pump jack scaffolds. In particular, 1926.452 (j)(3) provides that "a workbench may be used as a toprail only if it meets all the requirements in paragraphs (g)(4) (ii), (vii), (viii), and (xiii) of §1926.451."

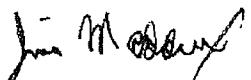
Paragraph 1926.451 (g)(4)(ii) states "[t]he top edge height of the toprails or equivalent member on supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above the platform surface." For scaffolds placed in service before January 1, 2000, the top edge height of the toprail may be between 36 and 45 inches. OSHA's regulations contain no exceptions to these requirements based on the width of the workbench.

We will make sure that North Carolina, Indiana and the other states that administer their own OSHA-approved State Plans are aware of the issues concerning the pump jack scaffolds photo compliance guide document and its recent removal from OSHA's web site. These states adopt

and enforce occupational safety and health standards that are either identical to or at least as effective as federal OSHA's. For more information, see <http://www.osha.gov/dcsp/osp/index.html>.

Thank you for your interest in occupational safety and health. We have deleted the entire "Pump Jack/Ladder Jack Scaffold Photo Compliance Guide", from the OSHA website and hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the Directorate of Construction at (202) 693-2020.]

Sincerely,



James G. Maddux, Director  
Directorate of Construction



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## NORTH CAROLINA DEPARTMENT OF LABOR

CHERIE K. BERRY  
COMMISSIONER

April 27, 2001

JOHN H. JOHNSON  
DEPUTY COMMISSIONER/DIRECTOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

OSHA Standard Interpretation and Compliance Letter - Table of Contents

- Record Type: Interpretation
- Standard Numbers: 1926.451, 1926.452
- Subject: Pump Jack Scaffolding System (Masonry use), McGee Brothers Company, Inc.

Mr. Don McGee  
McGee Brothers Company, Inc.  
4608 Carrick Road  
Monroe, North Carolina 28110

Dear Mr. McGee:

This letter is provided to bring closure to on-going dialogue between 2/16/2000 and 5/19/2000 addressing issues and/or concerns related to pump jack scaffolding as presented previously by McGee Brothers Company, Inc. I apologize that the action to complete this response was not provided you before now. The information attached is essentially the same as that contained in a draft document discussed and provided you and company representatives at a meeting held in Charlotte on 5/19/2000 (attended by Bob Andrews and Bobby Davis). That meeting allowed discussion of the proposed pump jack scaffold system as designed by Mr. David Young and interpretation of related safety standards. In addition, that meeting gave us the opportunity to address issues which stemmed from Standards Officer Bobby Davis' visit to your company and job site on 2/16/2000. We also evaluated your previous request for a variance from standards which regulate pump jack scaffolding. In subsequent discussion after the 2/16 meeting, it was agreed that a variance request did not properly address your company's concerns as indicated in your letter about pump jack use. It was determined that an interpretation of the standard and/or clarification best addressed your specific concerns. Therefore the enclosed attachment (six total pages) is offered to clarify the 14 issues addressed.

As an agency, we will ensure our compliance personnel are provided information and training on pump jack scaffold systems as proposed for use by your company. I encourage you to continue your efforts to ensure your employees are trained and use the pump jack system as indicated in the design by Mr. Young. I believe the focus of our combined efforts will work to ensure employee safety and compliance with appropriate safety standards. Please note that the interpretation provided for Item #2 stipulates that your company no longer modify scaffold planking by embedding rebar across the planks and parallel to the bearers. If we can be of any further assistance regarding employee safety or health related concerns please contact Bobby Davis at (919) 807-2873; email: b.davis@mail.dol.state.nc.us.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Johnson".

John H. Johnson  
Director

## Standard Interpretation Provided for McGee Brothers Construction Company

3. Request Variance or letter of interpretation to allow work bench position to serve as top rail on pump jack scaffold.	Non-Mandatory App. A (1926 Subpart L App. A)	<p>This appendix provides non-mandatory guidelines to assist employers in complying with the requirements of Subpart L of this part. However, the guidelines do not provide all the information necessary to build a complete system, and the employer is still responsible for designing and assembling these components in such a way that the complete system will meet the requirement of 1926.451(a).</p> <p>1926.452(j)(3) is more specific to address how work benches may be used as the toprail when guardrails are used as fall protection for pump jack scaffold. Specifically, the standard states that the workbench may be used as fall protection only if all requirements in paragraphs (g)(4)(ii), (vii), (viii), and (xiii) of 1926.451 are met. 1926.452(j)(4) may also be helpful to address other possible concern(s) about work bench use; wherein the standard is specific in stating work benches shall not be used as scaffold platforms. As related to the pump jack scaffold system used by McGee Brothers, 1926.451(g)(4)(ii) states: <u>The top edge heights of toprails or equivalent member or supported scaffolds manufactured or placed in service after January 1, 2000 shall be installed between 38 inches (0.97 m) and 45 inches (1.2 m) above platform surface.</u> Training material and information provided by Federal OSHA states no midrail is needed in an example provided (photo slide, Pump Jack/Ladder Jack Scaffold Photo Compliance Guide - March 1998) in which gap between platforms is 23 inches. In this example the work bench can serve as top rail because the vertical distance from the platform is 23 inches + 4 inch thick platform + 12 inch horizontal plank width = 39 inches. Further, ANSI A-10.8 (1988, 1977) established: When a workbench is used at an approximate height of 42 inches, the toprail may be eliminated if the workbench is full decked, if the planking is secured, and if it is capable of withstanding a 200-pound force in any direction. 1926.451(g)(4)(vii) states the following as related to system used by McGee Brother's: Each toprail or equivalent member of a guardrail system shall be capable of withstanding, without failure, a force applied in any downward or horizontal direction at any point along its top edge of at least 200 pounds (890 N). Requirements stated in 1926.451(g)(4)(viii) are: When the loads specified in paragraph (g)(4)(vii) of this section are applied in a downward direction, the top edge shall not drop below the height above the platform surface that is prescribed in paragraph (g)(4)(ii) of this section. 1926.451(g)(4)(xiii) states steel or plastic banding shall not be used as a top rail or midrail.</p>	YES
4. Request NC/OSHA accept field testing by PE to allow pump jack poles to go up to 50 feet and maximum intended load be increased to 1200 lbs	Appendix A - (j): Pump Jack Scaffolds Wood poles shall not exceed 30 feet in height. Maximum intended load—500 lbs between poles; applied at the center of the span.	<p>As understood by NCDOL/OSH, the employer's concern and point of interest is that this requirement is now stated in the Non-mandatory Appendix of the standard. However, ANSI A-10.8 established requirements that: (1). Wood poles shall not exceed 30 feet in height for pump jack scaffolds; (2) pump jack scaffolds shall be designed for a working load of 500 pounds. The interpretation(s) as provided to address Item 1 and Item 2 should also be helpful to address employer's concern and desire stated here. Again, as stated in interpretation to address item 1, design of a scaffold system by a registered professional engineer is acceptable provided the capacity criteria of paragraph .451(a) and the use criteria of .451(f) of the proposal are met. Also, as related to this issue of concern the employer should remain aware of limitations or restrictions for equipment or integral parts established by manufacturer. In addition, the employer is responsible to ensure the scaffolding is erected and used in accordance with design specified by registered professional engineer; to include compliance with other applicable standards in section(s).</p>	YES

Provided by: Bobby R. Davis, Safety Standards Officer  
Information Date: May 2000