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MCAA's Masonry Showcase  
March 12 - 15 2003  
Tampa, Florida

October 16, 2003

Mr. Russell Swanson  
U.S. Department of Labor - OSHA  
200 Constitution Avenue, NW  
Washington, DC 20210

Re: Non-Stop scaffolding access frames; §1926.451(e)(6) and (7)

Dear Mr. Swanson:

The purpose of this letter is to obtain some clarification on the OSHA interpretation of 03/14/2002 - **Non-Stop Scaffolding Inc.'s scaffold towers do not comply with OSHA's integral prefabricated scaffold access frame or ladder/stairway type access requirements.** As discussed in our meeting at the OSHA offices on August 12, 2003, this letter of interpretation could have a significant impact on the masonry industry, in particular, masons, laborers and their employers.

The OSHA Regulation Part 1926 Subpart L Scaffolds states:

[§1926.451 General requirements.] (e) Access. . .

(6) Integral prefabricated scaffold access frames shall:

(i) Be specifically designed and constructed for use as ladder rungs;

(ii) Have a rung length of at least 8 inches (20 cm); . . .

(iv) Be uniformly spaced within each frame section; . . .

(vi) Have a maximum spacing between rungs of 16 3/4 inches. Non-uniform rung spacing caused by joining end frames is allowed, provided the resulting spacing does not exceed 16 3/4 inches.

(7) Steps and rungs of ladder and stairway type access shall line up vertically with each other between rest platforms.

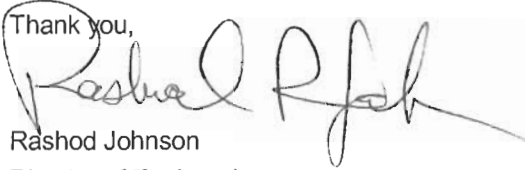
Adjustable scaffolding used in the masonry industry can have a life of over 30 years in some cases. The wooden planks are the only parts replaced, thus the scaffolding itself is used over and over again for many years. There are some manufacturers of adjustable scaffolding whose older products do not meet the current requirements of §1926.451, but may have met the requirements of the time. Most if not all of the newly manufactured scaffolding meets the current OSHA requirements, but that leaves the question: What happens to the old scaffolding?

The Mason Contractors Association of America understands the need for safe scaffolding regulations and fully supports OSHA in the enforcement of these regulations. However, because of the unique problems associated with climbing adjustable scaffolding, we feel that prohibiting contractors from using the millions of dollars in scaffolding that they currently own will impose an unfair economic hardship on contractors throughout the country. If indeed this type of scaffolding is unsafe, and OSHA has documentation to support this, our members

are committed to providing the safest masonry workplace possible and will closely adhere to these regulations. However, if there is not any substantial evidence of this type of scaffolding being unsafe, it seems unfair to ask an entire industry to incur an estimated \$26 million cost to fix a problem that, in our view, does not exist. Therefore, the MCAA requests that any scaffolding manufactured before these new regulations were published be "grandfathered" so as to not be cited for failure to meet the current OSHA regulations.

The MCAA is willing to assist OSHA in developing any other interpretations that may impact our industry. We want to thank you for taking the time to meet with us in August and we look forward to continuing a mutually beneficial relationship with your office.

Thank you,

A handwritten signature in black ink, appearing to read "Rashod Johnson", written over a light gray rectangular background.

Rashod Johnson  
Director of Engineering  
Mason Contractors Association of America -MCAA

rrj

cc: Marian Marshall  
Michael Adelizzi