



**NOV -5 2003**

Mr. Rashod Johnson  
Mason Contractors Association of America  
Director of Engineering  
33 S. Roselle Road  
Schaumburg, IL 60193

Re: Storage on scaffolding of materials left over at the end of a shift. 29 CFR  
1926.250(b)(5).

Dear Mr. Johnson:

This is in response to your letter dated August 22, 2003, to the Occupational Safety and Health Administration (OSHA). You requested in your letter and in a subsequent meeting with us that OSHA reconsider its June 10, 2003, interpretation to Ms. Barbara McNeil regarding the application of §1926.250(b)(5) to masonry materials and equipment left on a scaffold at the end of a shift. After reviewing the information you provided, we have revised our position, rescinded the June 10, 2003, letter and issued a replacement letter to Ms. McNeil (copy enclosed).<sup>1</sup> We believe that the replacement letter to Ms. McNeil will address your concerns.

If you need additional information, please call us at 202-693-2020, or contact us by fax at: U.S. Department of Labor, Directorate of Construction Office of Construction Standards and Guidance, (202) 693-1689. You may also contact us by mail at the above office, Room N3468, 200 Constitution Avenue, N.W., Washington, D.C. 20210, although there may be a delay in our receiving correspondence by mail.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell B. Swanson".

Russell B. Swanson, Director  
Directorate of Construction

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<sup>1</sup> Question and Answer (2) from the June 10, 2003, interpretation letter remains unchanged

*NOTE:* 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>.