



Reply to the attention of:

FEB 16 2008

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

Re: Whether the material storage requirements in 29 CFR 1926.250(a)(1), (b)(6) and (b)(7) apply to stored and stacked brick and masonry blocks that remain completely secured as shipped (interlocked, banded, shrink-wrapped or similarly bound for shipment)?

Dear Mr. Johnson,

This is in response to your letter dated January 6, 2006, to the Occupational Safety and Health Administration (OSHA). You ask about the application of certain provisions of Subpart H – Materials Handling, Storage, Use, and Disposal as they relate to the stacking of brick and masonry. We apologize for the long delay in providing this response.

We have paraphrased your questions as follows:

***Question (1):** Bricks and masonry blocks are often stored on construction sites as originally shipped. They are shipped in a unit comprising of the following: the bricks or blocks, which are on a pallet, are interlocked, banded, shrink-wrapped or similarly bound for shipment. Due to jobsite space constraints, these shipping units may be stored two or three pallets high.*

-Does Section 1926.250(a)(1) apply to the stacking of such shipping units?

Answer

Section 1926.250(a)(1) provides:

All materials stored in tiers shall be stacked, racked, blocked, interlocked or otherwise secured to prevent sliding, falling or collapse. [Emphasis added]

Section 1926.250(a)(1) governs “[a]ll materials stored in tiers”. Specifically, it sets forth the intent of the standard (“to prevent sliding, falling or collapse” of all materials) and direction on how to meet its requirement (“stacked, racked, blocked, interlocked, or otherwise secured”).

Since this requirement covers all materials that are tiered, the provision applies to the above-described shipping units of bricks and blocks. It should be noted, however, that while the standard lists several methods by which materials can be stored, the list is not exclusive. Thus, as long as the method of storing these materials in tiers is similarly effective for preventing sliding, falling or collapse to the methods listed, the method would comply with this provision¹. Specifically, shrink-wrapping or banding the bricks or blocks and stacking the palletized units in a manner that is adequate for flatbed shipping typically would qualify as "otherwise secured to prevent sliding, falling or collapse."²

Question (2): *It has been suggested that these tiered units must be tapered pursuant to Section 1926.250(b)(6) and (b)(7). Do the tapering requirements in these provisions apply to the above-described tiered units?*

Answer

Section 1926.250(b)(6) provides:

Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.

Section 1926.250(b)(7) states:

When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

By their terms, both section 1926.250(b)(6) and 1926.250(b)(7) apply a tapering requirement to stacks of bricks or block.; they do not, however, refer to the use of securing methods that use a fundamentally different system of preventing the material from becoming unstable and sliding, falling or collapsing.

When stacking individual bricks or blocks, it is the arrangement of the material that secures each brick or block and prevents both individual pieces and the entire pile from sliding, falling or collapsing. Stacks are prone to instability once the height limits in those provisions are exceeded. The specified tapering addresses that problem.

In contrast, a unit of material properly prepared for transportation, such as a unit that is adequately shrink-wrapped and on a suitable pallet, is secured by a combination of the evenness of the arrangement of the individual pieces, the wrapping of the unit and the stability provided by the pallet. Consequently, these provisions do not apply when the requirements of 1926.250(a)(1) are met by other methods.

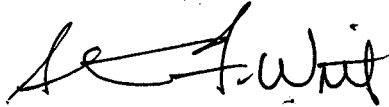
¹ Any more specific provisions under 1926.250(b) that are applicable would also need to be complied with.

² Factors that could affect the stability of the tiers, such as an uneven or sloped storage surface or damaged pallets, must be considered when stacking such units to ensure that the requirements of this provision are met. Also, if the number of tiers of such units is such that their stability is imperiled, the employer would not be in compliance with 1926.250(a)(1).

If you need additional information, please do not hesitate to contact us by fax at: U.S. Department of Labor, OSHA, Directorate of Construction, Office of Construction Standards and Compliance Assistance, fax # 202-693-1689. You can also contact us by

mail at the above office, Room N3468, 200 Constitution Avenue, N.W., Washington, D.C. 20210, although there will be a delay in our receiving correspondence by mail.

Sincerely,

A handwritten signature in black ink, appearing to read "S. F. Witt", written in a cursive style.

Steven F. Witt, Director
Directorate of Construction

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>.