

November 28, 2007

Mr. Robert S. Beisel
Safety Consultant
Project Best, Inc.
21 Armory Drive
Wheeling, WV 26003-6396

Re: Whether OSHA requirements prohibit working from a portable stepladder and, if not, whether fall protection is required. 29 CFR 1926.1053(b).

Dear Mr. Beisel:

This is in response to your letter submitted April 27, 2006 to the Occupational Safety and Health Administration (OSHA). Your inquiry addresses the use of portable stepladders and fall protection. We apologize for the long delay in responding.

We have paraphrased your question as follows:

Question (1): Does 29 CFR 1926.1053(b)(4) prohibit an employee from working from a portable stepladder?

Answer (1): Title 29 CFR 1926.1053(b), *Use*, provides:

* * *

(3) Ladders shall not be loaded beyond the maximum intended load for which they were built, nor beyond their manufacturer's rated capacity.

(4) Ladders shall be used only for the purpose for which they were designed.

* * *

(13) The top or top step of a stepladder shall not be used as a step.

* * *

There are no OSHA construction standards that specifically prohibit an employee from working from a portable stepladder. However, the use of a portable ladder must comply with the *Use* requirements quoted above. If working from a portable stepladder was inconsistent with any of these provisions, such use would be prohibited. Because of the wide variety of circumstances and ladder designs, it is not possible for us to state, as a general matter, whether working from a portable ladder would be consistent or inconsistent with any of these provisions.

Question (2): Is fall protection required while working from a portable stepladder?

Answer (2): In 29 CFR Part 1926 Subpart M (Fall protection), Section 1926.500(a)(2)(vii) provides:

Requirements relating to fall protection for employees working on stairways and ladders are provided in Subpart X . . .

* * *

There is no provision in Subpart X that requires fall protection for an employee while working from a portable stepladder. However, if the employee will be on a surface prior to ascending or upon exiting the ladder for which another Subpart in 1926 requires fall protection, then fall protection would be required at such times. General requirements for fall protection can be found at Subpart M of 29 CFR Part 1926, while requirements specific to a particular activity or equipment can be found at its applicable Subpart in 29 CFR Part 1926.

If you need any additional information, please 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,

Steven F. Witt,
Directorate of Construction