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Monday, February, 3rd, 2003

Attn: Mr. John Miles
Region 6 Office
U.S. Department of Labor
Occupational Safety & Health Administration
525 Griffin Street, Room 602
Dallas, Texas 75202

Re: Request for Clarification CFR 1910.23 (e) (3) (v)

Dear Sir,

Our Lapeyre Stair Division is in the process of trying to design an improved "fixed industrial stair" for the U.S. Market. It is one of our design goals to create a safe stair that meets a large number of the various building codes and it is of course imperative to us that the stair meets the Federal Regulations for its application.

We are looking to your office for specific guidance with respect to CFR 1910.23 (e) (3) (v) (a-c) as it relates to acceptable alternative railing constructions:

1910.23(e) (3) (v) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

1910.23(e) (3)(v)(a) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of 42 inches nominal;

1910.23(e) (3) (v) (b) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure:

1910.23(e)(3)(v)(c) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

We would like to know if it is possible to reach equivalent protection without a horizontal intermediate rail as we believe that the horizontal intermediate rail does not discourage the use of the railing system as a foothold for climbing to improperly access process or machinery components in the industrial setting.

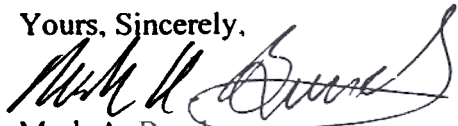
More specifically we would ask that in a system comprised only of a top rail and a plurality of vertical railings/posts. What would be the maximum acceptable horizontal distance between adjacent vertical railings/posts to constitute equivalent protection under these regulations?

We believe that the height of such a stair railing system would still be governed by CFR 1910.23 (e) (2), (30"to34") as we interpret it, and not the 42 " mentioned in the referenced item (a). But if that is not the case we would like to know if the 42", or other heights greater than 34", could be utilized, as we believe that this provides improved safety with respect to fall protection and matches constructions acceptable in many of the building codes.

I have searched through the available data on clarification letters and have found nothing that resolves these questions.

I also contacted the district office in Baton Rouge, Louisiana where they suggested that I contact you for a definitive interpretation prior to finalizing our design for manufacture.

Yours, Sincerely,



Mark A. Bundy

Mechanical Engineer/Mfg.&Facilities Engineering/Corporate Planning Group

Laitram, L.L.C.

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Representing Subsidiary Divisions:

Intralox, Inc.

Lapeyre Stair, Inc.

Laitram Machinery, Inc.

Laitram Machine Shop, L.L.C.

MB:mb C:/MyDocuments/Worddata/LapeyreStair/Stairrailconst.doc

U.S. Department of Labor

Occupational Safety and Health Administration
525 Griffin Street, Room 602
Dallas, Texas 75202-5024



Reply to the Attention of:

6OSHA TOPS

March 18, 2003

**Mr. Mark A. Bundy
Mechanical Engineer
Laitram, L.L.C.
220 Laitram Lane
Harahan, Louisiana 70123**

Dear Mr. Bundy:

In your letter of February 3, 2003, you requested specific guidance from the Occupational Safety and Health Administration (OSHA) concerning the 29 CFR 1910.23(e)(3)(v)(a-c) regulations. In specific, you requested clarification on whether your company can reach equivalent protection without a horizontal intermediate rail. You stated that in substitution of a horizontal intermediate rail, your system would be comprised of a top rail and a plurality of vertical railings/posts. In addition, you asked what would be the maximum acceptable horizontal distance between adjacent vertical railings/posts to constitute equivalent protection under these regulations.

In response, the purpose of intermediate rails is to help provide protection from falls. According to 29 CFR 1910.23(e), a stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread. A standard railing consists of both a top rail and an intermediate rail. However, if in fact your plurality of vertical railings/posts affords employees protection at least as effective as intermediate railings, the plurality of vertical railings/posts could be considered a de minimis violation. This system would have to be in compliance with all other applicable regulations under the 1910.24 and 1910.23 regulations. The 1910.24 and 1910.23 standards do not cover a maximum acceptable horizontal distance between adjacent vertical railings/posts to constitute equivalent protection to intermediate railings. Your company will have to make a determination on what maximum horizontal distance would need to be met in order to obtain protection at least as effective as intermediate railings/posts. Enclosed is a copy of the 1910.24 and 1910.23 regulations.

Page 2 (Laitram)

If you have additional questions, please feel free to contact Mr. Quintin Jones, Safety Engineer, at (214) 767-4736, Ext. 229 or Mr. Nasario Gonzales, Safety Specialist, at (214) 767-4736, Ext. 241.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis R. Villanueva', written in a cursive style.

**LUIS R. VILLANUEVA
Assistant Regional Administrator
for Technical Support and Outreach Programs**

Enclosure