

# Safety Issues

## Scaffold Stairtowers



### Tech Tip

A scaffold stairtower that is designed, erected and maintained in full compliance with Subpart L may be used to provide temporary access to buildings or other structures.

Federal OSHA regulations require, in 29 CFR Part 1926 Subpart L, that safe access be provided to all employees working on scaffolds. Subpart L describes several types of access in 1926.451(e).

These include:

- Ladders
- Stairway-type ladders
- Stairtowers
- Ramps and walkways
- Integral prefabricated scaffold access frames
- Direct access from another surface

Scaffold stairtowers provide one of the safest and easiest methods for access. They provide workers with handrails and landing platforms and allow them to carry tools and small amounts of material as they access the scaffold platform. Stairtowers used to access scaffold platforms must comply with the requirements found in Subpart L.

Subpart X of the Federal OSHA regulations applies to ladders and stairways used for access to buildings or structures undergoing construction, renovation or demolition.

These requirements differ from those found in Subpart L. For example, Subpart X has more stringent requirements for landing size and handrail height.

### Access to Buildings or Structures

Scaffold stairtowers are often used in construction to allow temporary access to buildings or other structures such as bridge piers. In these cases, does the stairtower need to comply with Subpart L or Subpart X?

Since OSHA's inception in 1970, scaffold stairtowers have been used by the construction industry to access buildings and other structures. These stairtowers, when erected in accordance with the standards, have provided a safe means of access.

In 1986, OSHA published the proposed new standards for Subpart L (Scaffolds), Subpart M (Fall Protection) and Subpart X (Ladders and Stairways). It was originally expected that all three standards would be approved and put into effect at the same time. However, Subpart X was approved first, and problems began when OSHA compliance officers would apply the requirements of Subpart X to scaffolds rather than to Subpart L.

With scaffold stairtowers being cited under Subpart X, the industry found that it was easier to use a ladder for access rather than try to modify the stairtowers. In 1994, OSHA wrote a Letter of Interpretation that agreed with this and modified their policy so Subpart X would not apply to scaffold stairtowers.

The letter did not, however, differentiate between stairtowers used to access scaffold platforms and stairtowers used to access buildings or other structures.

OSHA issued another Letter of Interpretation in 1999 which stated that when scaffold stairtowers are used to access locations other than scaffold platforms, the provisions of Subpart X would apply.

This caused confusion because the two letters appear to conflict with each other. OSHA responded to this conflict by issuing another letter in 2000. This letter states that it is not OSHA's intention to suggest that scaffold stairtowers "that do not meet the Subpart X requirements, but do meet the Subpart L requirements, are citable."

The requirements of Subpart X do apply to scaffold stairtowers used to access buildings and other structures. However, if the stairtower is designed, erected and maintained in full compliance with Subpart L, then OSHA views it as a "de minimis" violation. A "de minimis" violation exists when **an employer complies with the clear intent of the standard but deviates from its particular requirements in a manner that has no direct or immediate impact on the safety and health of workers.** OSHA does not impose penalties or require correction of "de minimis" violations.

### What Does this All Mean?

- Stairtowers used for access to scaffold platforms must meet the requirements of Subpart L.
- Stairtowers used for temporary construction access to buildings or structures must meet the requirements of Subpart X.
- Scaffold stairtowers used for temporary construction access to buildings or structures that meet the requirements of Subpart L will not be cited.

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