

South Carolina Department of Labor, Licensing and Regulation
Division of Labor
Office of Occupational Safety and Health
Columbia, South Carolina 29211

OSH Program Directive Number 77-1926.1001-1

Subject: Article VII, Section 1926.1001 Minimum Performance Criteria For Roll-over Protective Structures (ROPS) for Designated Scrapers, Loaders, Dozers, Graders and Crawler Tractors.

Standard: Article VII, Section 1926.1001, Rules and Regulations, Commissioner of Labor, State of South Carolina.

Cross Reference to Federal Standards: 29 CFR 1926.1001.

Background:

- a. In 1969 the Society of Automotive Engineers (SAE) promulgated the performance criteria documents for roll-over protective structures (ROPS) on which the Federal Standard 29 CFR 1926.1001 is based. Since that time advances in ROPS technology and practice have been made. Petitions have been received by Federal OSHA from members of industry requesting that 29 CFR 1926.1001 be amended so as to adopt SAE's new performance criteria document J104a-1975. Although this document is under review by the Federal OSHA Construction Division of Standards Development, it may be some time before any amendment of the standard, if warranted, could be accomplished. Meanwhile, numerous inquiries to Federal OSHA have been made by ROPS manufacturers and/or users as to whether ROPS complying with the criteria set forth in SAE J104a-1975 satisfies the requirements of the OSHA Act and 29 CFR 1926.1001.
- b. In a letter, dated October 1, 1976, the chairman of the SAE Construction Machinery Technical Committee, Mr. George L. Klose, on behalf of Subcommittee 12, represented to the Federal Occupational Safety and Health Administration that the criteria set forth in SAE J104a-1975 do not compromise the safety of employees.

Interpretation: Based on the representations of the SAE Committee 12 and Federal OSHA evaluation of the material submitted concerning SAE J104a-1975, ROPS meeting the criteria set forth in that SAE document shall be regarded substantially in compliance with Article VII, Section 1926.1001, even if they do not meet all the criteria set

forth in the earlier criteria documents on which the present standard is based. Failure to meet the requirements of the standard are to be regarded as “de minimis” if the ROPS meet the SAE J104a-1975 criteria.

Effective Date: This instruction is effective upon receipt and will remain in effect until cancelled or superseded by amendment to the Rules and Regulations.

William M. Lybrand, Director
July 25, 1977