

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 78-1910.23-5 (Revised)

Subject: Article VI, Section 1910.23 (c) (1), Protection of Open-sided Floors, Platforms and Runways; Guardrails-Loading Rack Platforms.

Standard: Article VI, Section 1910.23 (c) (1), Rules and Regulations, Commissioner of Labor, State of South Carolina.

Cross Reference to Federal Standards: 29 CFR 1910.23 (c) (1).

Background: The purpose of this directive is to clarify Article VI, Section 1910.23 (c) (1) as it relates to guardrails on loading rack platforms.

- a) Strict interpretation of 1910.23 (c) (1) would result in having all petroleum loading racks (and similar installations) protected with guardrails on the outside edge of the loading platform above the top of the tank truck. Several federal citations have been issued for failure to have such guardrails and the federal Review Commission has ruled against OSHA in contested cases.
- b) The standard does not provide that there may be a surface other than “adjacent floor or ground level” which might be within 4 feet of the platform floor. When loading petroleum product tank trucks, the top of the tank is adjacent to and within 4 feet from the floor of the platform.
- c) The principal reason why guardrails are impractical is that truck tanks are of different configurations and the several loading hatches make it necessary for employees to be able to step from the platform (or use a runway from the platform onto the tank) at any place in order to go onto the tank. It is necessary to go onto the tank to open and close hatches and to place and remove filler spouts. Safety belts and lanyards should not be used when loading flammable liquids because the employee should be able to move freely in case of a fire.
- d) Some clarification of the referenced standard was included in the federal proposed standards changes on Walking-Working Surfaces published in the Federal Register on April 23, 1976. It is intended that the final changes to the section will provide clarification that such platforms will not have guardrails on platform sides adjacent to the top of tank trucks.

Interpretation: If it is necessary to cite an employer for an alleged violation of Article VI, Section 1910.23 (c) (1) involving loading platforms where there is an adjacent truck surface which could be considered as an “adjacent floor”, the violation is to be considered minimis.

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
August 11, 1978