

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 78-1910.68-1

Subject: Citation for Section 1.12 (General Duty Clause) When Article VI, Section 1910.68 is Inapplicable.

Standard: Article VI, Section 1910.68 and Article I, Section 1.12, Rules and Regulations, Commissioner of Labor, State of South Carolina.

Cross Reference to Federal Standards: 29 CFR 1910.68 and Section 5 (a) (1) of the OSHA Act.

Background: The purpose of this directive is to ensure judicious enforcement and to clarify the confusion concerning using Section 1.12 where Article VI, Section 1910.68 is inapplicable because the manlift in question was installed prior to August 27, 1971; therefore it would not be covered under Section 1910.68.

A citation under Article I, Section 1.12 is only appropriate where the condition is recognized serious or imminent danger hazard.

Interpretation:

- a) Citations would be issued where the hazardous condition is easily identifiable. For example, if the manlift is merely an inch narrower than the width specified in the standard, a citation for Section 1.12 should not be issued. On the other hand, if 14 out of 20 steps on which the employees are to stand are missing, citation for Section 1.12 should be issued because the danger to employees is obvious.
- b) The CO/IH shall consult with the Assistant Director for Compliance where there is any doubt regarding the issuance of a Section 1.12 citation for manlift hazards. This is important because the ANSI standard, which usually can be used to demonstrate that the hazard is a recognized one, is also grandfathered.

Effective Date: This instruction is effective upon receipt and will remain in effect until cancelled or superseded by amendment to the Rules and Regulations.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
May 31, 1978

