

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

PROGRAM DIRECTIVE

Program Directive: A-218
Issued: August 30, 1997
Revised: October 28, 2020

- SUBJECT:** Scaffolds in Construction.
- PURPOSE:** This instruction establishes inspection procedures and provides clarification to ensure uniform enforcement of the scaffold standards for construction.
- SCOPE:** This instruction applies to all of Oregon OSHA.
- ACTION:** Field office managers must ensure that the guidelines in this instruction are followed and that compliance officers are familiar with the content of the standard.
- BACKGROUND:** Federal OSHA issued a revised standard for Scaffolds Used in the Construction Industry.
- A. On November 25, 1986, federal OSHA issued a notice of proposed rulemaking on scaffolds (51 FR 4268). The comment period was extended or reopened several times and federal OSHA convened an informal public hearing on March 23, 1988 (53 FR 2048, January 26, 1988).
 - B. Federally proposed Subpart L was reviewed by the Advisory Committee on Construction Safety and Health (ACCSH). Many of the revisions made to the proposal reflect recommendations from ACCSH and from other interested parties.

Oregon OSHA adopted Subdivision L within Division 3 in its current form on March 12, 1997.
 - C. The final rule resolves many issues that were raised in earlier attempts to regulate this activity within the construction industry.

OVERVIEW OF SUBDIVISION L - SCAFFOLDS:

- A. Paragraph (a) of 1926.450 states that this standard applies to all scaffolds used in workplaces covered by Division 3.

It is the interpretation of Oregon OSHA that stair towers (scaffold stairway/tower) as defined by 1926.450 are also covered by Subdivision L when they provide a means of access to scaffolds used in workplaces covered by Division 3. This interpretation includes access to structures other than scaffolds, such as buildings. This is to ensure that access towers which are fabricated using the same scaffolding components used to create scaffolds are designed, erected, used, maintained, and dismantled in a safe manner.

Paragraph (a) of [1926.450](#) states that this standard does not apply to crane or derrick suspended personnel platforms. Crane or derrick suspended personnel platforms are covered by Division 3, Subdivision CC, [1926.1431](#) Hoisting personnel.

1. The standards applicable to aerial lifts are set in OAR [437-003-0071](#), [437-003-0073](#), [437-003-0074](#) and [1926.453](#). The scaffold training requirements of [1926.454](#) also apply to aerial lifts regulated by 437-003-0071, 437-003-0073, 437-003-0074 and 1926.453.
 2. Paragraph (b) of [1926.450](#) provides definitions for particular terms used in Subdivision L.
- B. Section [1926.451](#) sets general requirements that apply to all scaffolds, with variations for some specific types of scaffolds or work situations.
1. The standard distinguishes between supported scaffolds (paragraph 1926.451(c)) and suspension scaffolds (paragraph 1926.451(d)).
 2. This section references criteria in [Appendix A](#) that a qualified person may consult when designing scaffolds to meet capacity requirements.
- C. Section [1926.452](#) sets additional requirements for 23 specific types of scaffolds. Section 1926.452 includes references to Appendix A, which provides technical criteria to be used by the employer in designing, installing, and loading these specified types of scaffolds and related guardrail systems.
- D. Section [1926.453](#) covers requirements for aerial lifts. Non-mandatory [Appendix C](#) of the standard lists the consensus standards related to aerial lifts.

1. This standard is a renumbering of the previous standards for aerial lifts to bring them under Subdivision L. Oregon OSHA added three Oregon Administrative Rules requiring the manufacturer's operating manual to be with the equipment and employers to follow all operating and maintenance instructions and recommendations of the manufacturer.
 2. General requirements for scaffolds contained in 1926.451 do not apply to aerial lifts covered by OAR 437-003-0071, 437-003-0073, 437-003-0074 and 1926.453.
 3. Compliance with the pertinent ANSI A92 standard for any of the newer, specialized types of equipment will provide employee protection, equivalent to that provided through the application of ANSI A92.2-1969, which is referenced in 1926.453.
- E. Section [1926.454](#) covers training requirements and refers to Non-mandatory [Appendix D](#) for additional information related to training for employees engaged in the erecting and dismantling of scaffolds.
- F. The appendices, are non-mandatory, and provide important compliance guidance, examples of acceptable measures, and specific information for compliance with Subdivision L.

COMPLIANCE GUIDELINES FOR SIGNIFICANT GENERAL ISSUES IN SUBDIVISION L:

The following information provides guidance that will aid in understanding the overall requirements in the revised standard for scaffolds.

- A. Competent Person. Subdivision L provides employers with flexibility in the design of scaffolds and the selection of fall protection. The employer is required to have a competent person determine the feasibility of using fall protection, the integrity of scaffold and that the scaffold is maintained and used in a safe manner.

NOTE: Oregon OSHA recognizes that an employer may have more than one competent person on the worksite to deal with different aspects of scaffolding.

1. The compliance officer must determine the identity of the competent person and assess the training and experience of that person at an early stage of any inspection.
 2. Appendix A of this directive provides guidance for the compliance officer and the employer in evaluating compliance with requirements pertaining to competent person and qualified person responsibilities.
- B. Safe access and fall protection during the erection and dismantling of supported scaffolds. The standard requires that employers provide safe access and fall protection during erection or dismantling operations.
1. Oregon OSHA recognizes that compliance may not be feasible during certain scaffold erection and dismantling operations. However, employers are required to determine at each stage of erection and dismantling if safe access and fall protection can be provided and, if so, comply with the pertinent requirements.
 - (a) A competent person who has the knowledge and experience necessary must be used to make the appropriate determination.
 - (b) This evaluation must include a determination of feasibility. When the circumstances, present at the site, allow for an adequate fall protection system, the fall protection must be provided.
 2. Provisions for safe access during erecting and dismantling of supported scaffolds are contained in 1926.451(e)(9).
 3. Provision for the use of fall protection on supported scaffolds are contained in 1926.451(g)(1), see C. Fall Protection Requirements. Section (g)(2) addresses fall protection feasibility and providing fall protection for employees erecting or dismantling supported scaffolds.
 - (a) Failure of the employer to have a competent person determine fall protection feasibility or failure to provide and have employees use fall protection during erecting and dismantling when it is feasible is a violation of 1926.451(g)(2). Employers are required to provide fall protection for employees erecting or dismantling supported scaffolds where the installation and use of such protection is feasible

and does not create a greater hazard.

- (b) The compliance safety and health officers (CSHOs) must document specific worksite factors and compliance considerations encountered by the competent person when evaluating the feasibility of providing safe access or fall protection during these operations.

- 4. The CSHO must determine whether employees engaged in erecting and dismantling scaffolds have been trained in these activities and in the hazards specific to the types of scaffolds involved. Training guidelines are addressed in Appendix D of the standard.

C. Fall Protection Requirements. Fall protection is required for employees when working ten feet or more above the next lower level.

- 1. The employer has the option, in many instances, of providing a guardrail system or of having each employee use a personal fall arrest or restraint system. Specific requirements are provided in 1926.451(g)(1)(i) through (vi), and are discussed below.
- 2. Fall protection must be provided on all supported and suspended scaffolds.
 - (a) In most instances on supported scaffolds, this will be a guardrail system.
 - (b) However, there may be some unique situations in which a personal fall arrest or restraint system may be necessary on a supported system. In such cases the requirements in section 1926.502 for safe anchorage of the system must be met.
- 3. 1926.451(g)(1)(vi) provides an exception to the requirement for the use of fall protection at the side where overhand bricklaying work is being performed from a supported scaffold. This exception only applies to sides where workers are actively engaged in the overhand bricklaying process. Overhand bricklaying is defined in 1926.450(i) and includes the activity of grout pouring.
- 4. For some types of scaffolds (such as single-point, two-point

adjustable suspension scaffolds or boom supported elevating platforms), both a guardrail system and personal fall protection are required.

5. On multi-stage suspension scaffolds, when the employees are working on an intermediate or the lower section of the scaffold, they may tie off to the scaffold itself since it would be a much greater hazard to be tied off to the building if the system failed. Anchor points must still meet the requirements of this standard and be recommended by the manufacturer for this purpose.
6. On some types of scaffolds, only personal fall arrest systems are required (catenary, float and needle beam scaffolds, boatswains' chairs, roof bracket scaffolds and ladder jack scaffolds). Therefore, the employer must provide personal fall arrest systems for fall protection on these scaffolds.
7. When employees are installing suspension scaffold support systems, employers must provide fall protection meeting the requirements of Division 3, [Subdivision M](#) - Fall Protection.
8. The appropriate fall protection for employees working on aerial lifts will vary according to the type of aerial lift involved.
 - (a) Some lifts are intended to be used with guardrails, while others are designed to be used by employees protected by guardrails and personal fall arrest or restraint systems.
 - (b) The consensus standards for a particular type of aerial lift indicate what fall protection would be appropriate. Those standards are listed in Non-Mandatory Appendix C.

INSPECTION GUIDANCE AND COMPLIANCE PROCEDURES FOR SELECTED SCAFFOLD REQUIREMENTS:

This section highlights changes from the previous scaffold standard and clarifies certain issues to assist in compliance with Subdivision L.

A. Capacity Requirements-1926.451(a).

1. Paragraph (a)(1) states that the scaffold must be capable of supporting four times the maximum intended load (not the rated load).
 - (a) The intended load includes all personnel, equipment, and supply loads.
 - (b) The intended load will often be less than the rated load but should never exceed the rated load unless such design is approved by an engineer and the manufacturer.
 - (c) The requirement not to overload the scaffold is found in subparagraph 1926.451(f)(1).
2. Paragraph (a)(2) requires that direct connections and counterweights used to balance adjustable suspension scaffolds be capable of resisting at least four times the tipping moment of the scaffold, including stall loads.
 - (a) CSHO's are not expected to perform these calculations in the field but must ensure that the competent person directing the rigging of the suspended scaffold has performed them.
 - (b) The competent person's duty to supervise and direct the rigging of the scaffold is set out in 1926.451(f)(7).

NOTES:

- (1) The stall load of the suspension hoist equipment referenced in 1926.451(a)(2), (4) and (5) means the load at which the hoist motor of a power-operated hoist stalls or automatically disconnects its power when overloaded or obstructed.
- (2) If the stall load (not to exceed 3 times the rated load) is not listed or labeled for the scaffold in use, the CSHO must determine whether:
 - (i) The qualified person has determined the stall load of the scaffold hoist prior to the lift or

- (ii) The scaffold is counter-balanced by at least 4 times the rated load of the hoist.
- 3. Paragraph 1926.451(a)(6) requires that scaffolds be designed by a qualified person. This requirement is discussed in depth in Appendix A of this instruction. Information to assist the employer in complying with capacity requirements is also contained in Appendix A of the standard.

B. Scaffold Platform Construction-1926.451(b)

- 1. Paragraph (b)(1) allows exceptions to the full planking of platforms but requires that the platform be planked or decked "as fully as possible." Employers may leave an opening between uprights and planking but the opening may not exceed 9½ inches. The 9½ inch was based on the minimum width of a plank or scaffold unit that could be expected to sustain an individual working load.
- 2. Paragraph (b)(2) requires that scaffold platforms be at least 18 inches wide, but exceptions are provided in paragraphs (b)(2)(i) and (ii).
- 3. Paragraph 1926.451(b)(11) is meant to ensure that dissimilar metal components that could cause galvanic action are not used together at the job without evaluation by the competent person.
 - (a) If the competent person believes that significant galvanic action may result from the use of dissimilar metal components and that this galvanic reaction can reduce the strength of any scaffold component to below the requirements of Subdivision L, corrective action must be taken promptly.
 - (b) If the competent person cannot make this evaluation, scaffold parts of dissimilar metals cannot be used. The competent person may, of course, rely upon the manufacturer's recommendations.

C. Criteria for Supported Scaffolds-1926.451(c)

1. Paragraph (c)(1) requires vertical and horizontal tie-ins on all supported scaffolds with a height to base ratio of more than four times the minimum base width.
 - (a) Vertical and horizontal tie-ins are to be installed to keep a scaffold from falling into and away from the structure.
 - (b) Scaffold tie-ins, as with all other scaffold component designs, must be designed by a qualified person to keep the scaffold steady and capable of resisting pushing and pulling forces created by wind and load conditions.
2. Paragraph (c)(2) requires the use of both base plates and mud sills or other adequate firm foundations.
 - (a) Base plates are always required.
 - (b) However, a concrete slab would be considered a firm foundation, and therefore, mud sills would not be necessary.
3. Paragraph (c)(2)(iv) states that front-end loaders and similar type equipment may not be used to support scaffolds, unless specifically designed by the manufacturer for such use. The CSHO may ask the employer to produce the manufacturer's literature demonstrating that the equipment has been designed for this use.
4. Paragraph (c)(2)(v) provides that fork lifts may only be used if the entire platform is attached to the forks. "Attached" does not mean merely placing the platform on the forks. A positive means of attachment, such as bolting, must be present.
5. When these types of equipment are used to support scaffolds, all other requirements of 1926.451 (capacity, construction, access, use and fall protection, etc.) must be met.

NOTE: These types of equipment are not considered aerial lifts.

D. Criteria for Suspension Scaffolds-1926.451(d)

1. Paragraph (d)(3)(ii) prohibits the use of flowable material

as counterweights, such as sandbags or buckets of water, which are easily displaced or may leak. Solid materials, such as large blocks of concrete specifically designed for use as counterweights, or large ingots of metal (such as lead) are examples of acceptable counterweights.

2. The use of ¾ inch manila rope or equivalent as a secondary means of anchorage is no longer acceptable. See (d)(3)(vii).

E. Access-1926.451(e)

1. Under paragraph (e)(1) and (e)(9)(iv) the use of cross bracing as a means of access is prohibited.
2. The revised standard does not specifically prohibit climbing over or through a guardrail.
 - (a) There is no consensus with regard to climbing over or through guardrails; therefore, Oregon OSHA has not adopted a rule prohibiting the practice.
 - (b) Gates, removable rails or chains across the point of access are preferred.
3. 1926.451(e)(1) and (e)(8) both address direct access.
 - (a) Paragraph (e)(1) addresses vertical access, and paragraph (e)(8) addresses direct access both vertically and horizontally.
 - (b) Compliance officers should cite (e)(1) when the direct access is more than 24 inches away vertically and (e)(8) when direct access is more than 14 inches away horizontally.
4. 1926.451(e)(2) is not intended to require the use of ladder climbing devices or cages on scaffolds.
5. 1926.451(e)(5) requires that ramps and walkways 6 feet or more above a lower level must have guardrail systems which comply with Subdivision M.
6. See Fall Protection paragraph G.2. of this instruction for walkways which are located within the framing of scaffold units.

F. Use of Scaffolds- 1926.451(f).

1. Paragraph (f)(7) requires that the employer ensure that a competent person having the required training, knowledge, and experience on the type of scaffold system used, is at the site directing and supervising the work during all erecting, dismantling, alteration, and moving of the scaffold.
2. Employees engaged in this activity must also be trained in accordance with 1926.454 and selected by the competent person.
3. Paragraph (f)(15) allows the use of ladders only on "large area scaffolds," which is a scaffold erected over substantially the entire work area. For example: a scaffold erected over the entire floor area of a room.

Ladders may not be used on other types of scaffold platforms to increase the working height.

4. Paragraph (f)(16) is intended to apply only to wood scaffold planks.

G. Fall Protection-1926.451(g)

1. 1926.451(g)(1)(iv) requires personal fall arrest systems in addition to guardrail systems for employees whenever a self-contained adjustable scaffold is supported only by ropes with no safety catch to support the platform in the event of rope failure. The standard applies whenever the platform is at a work level or is being raised or lowered.
2. Under paragraph (g)(1)(v), walkways which are within a scaffold, such as inside the frame of a fabricated frame scaffold, have to be guarded on at least one side of the walkway, and the guardrail system must be within 9½ inches of the walkway.
3. Paragraph 1926.451(g)(3) permits lanyards attached to personal fall arrest systems to be attached to vertical lifelines, horizontal life lines or scaffold structural members.
 - (a) This decision is at the discretion of the competent person.

- (b) If the lanyard is attached to a supported scaffold structural member, the scaffold must be properly braced and tied-in to the structure before being used as an anchorage point and must meet the requirements of 1926.502(d), which defines the criteria for anchorage points and other components of a personal fall arrest system.
- 4. Paragraph (g)(4) covers criteria for guardrail systems and components. Appendix A of the standard provides specifications for certain types of scaffolds, to assist in determining whether the guardrails meet the strength requirements of the standard.
- 5. Paragraph (g)(4)(ii) covers the required minimum and maximum height of the top rails.
 - (a) The requirements for top rail height of guardrails on supported scaffolds can vary from 36 to 45 inches or from 38 to 45 inches depending on the age of the scaffold unit. For dates and allowance of top rail heights refer to 1926.451(g)(4)(ii).
 - (b) For platforms where personal fall arrest systems are required as the primary type of fall protection, such as for suspended systems, the top rail minimum height remains at 36 inches. As with Subdivision M, guardrail top rails can exceed 45 inches only if all other pertinent provisions of 1926.502(b) are followed.
- 6. The previous standard was silent on the use of cross bracing for guard rails. Paragraph (g)(4)(xv) states that cross bracing is acceptable in place of either the toprail or the midrail on a scaffold system, but not both, when the crossing point is at the specified height.

H. Falling Object Protection-1926.451(h)

- 1. Paragraph (h)(1) clarifies that hard hats must not be the sole means of protecting employees from overhead falling objects.
- 2. The use or non-use of hard hats by employees must be documented by compliance officers whenever it could affect the gravity of a violation of this standard, for failure

to institute any of the additional protective measures mandated.

I. Additional Requirements for Specific Types of Scaffolds-1926.452

1. Item 2(z) of Appendix A of Subdivision L provides guidance regarding the use of tank builder's scaffolds, a type of scaffold which is covered only by the general requirements of 1926.451, and which has no additional specific provisions within 1926.452.
2. Scissors lifts and Boom Supported Elevating Work Platforms are addressed by 437-002-0074 and 437-002-0076 not 1926.453, Aerial Lifts or by 1926.452(w), Mobile Scaffolds.

J. Aerial lifts-1926.453

1. Paragraph 1926.453(b)(2)(v) requires a body belt and lanyard attached to the boom or basket. As of January 1, 1998, Subdivision M (1926.502(d)) provides that body belts are no longer acceptable as part of a personal fall arrest system.
2. The use of a body belt in a tether system (i.e., to keep the employee from going over the guardrail) is acceptable, and is regulated under 437-003-0502.
3. Oregon OSHA adopted OAR 437-003-0071, Manually Propelled Aerial Platforms, 437-003-0073, Boom Supported Elevating Work Platforms and 437-003-0074, Scissor Lifts-Self-Propelled Elevating Work Platforms. These rules require that the manufacturer's operating manual be with the equipment and all operating and maintenance instructions and recommendations of the manufacturer be followed.

K. Training Requirements-1926.454.

1. In accordance with paragraph 1926.454(a), each employee working on a scaffold must be trained regarding the requirements of Subdivision L that are associated with the type of work that the employee is performing. Specifically, training in associated hazards, methods of protection, and the maximum intended load and load-carrying capacities of the scaffold must be included, where applicable. The

training requirements of 1926.454 also apply to employees that operate equipment covered by 1926.453, 437-003-0071, 437-003-0073 and 437-003-0074.

2. Training is particularly important for employees engaged in erecting and dismantling operations. Paragraph (b) specifies the training needed for those employees.
 - (a) Non-mandatory Appendix D of Subdivision L provides specific training topics for employees engaged in erecting and dismantling scaffolds.
 - (b) The CSHO must interview those employees engaged in erecting and dismantling operations to ascertain whether they have received the necessary training required under 1926.454(b)(1)-(4).
3. The standard does not specify criteria for training employees who have responsibilities as a competent person.
 - (a) If the compliance officer determines that an employee (or management official) who has been serving in the capacity of a competent person does not have the necessary knowledge to carry out those responsibilities, violations of the requirements addressing specific competent person duties under 1926.451 and 1926.452 of Subdivision L would also exist.
 - (b) Refer to Appendix A of this Instruction for additional guidance in assessing the capabilities of the competent person.
4. Section 1926.454 does not require certification, or other documentation, of training. Compliance officers must evaluate compliance with the training requirements through observation of work practices, inspections of rigging, correct utilization of scaffold equipment, and interviews with employees and management representatives.
5. If training has been conducted but employees do not understand or are not adhering to the requirements of Subdivision L, a violation of 454(c), which requires retraining to maintain proficiency, may exist.

APPENDIX A

COMPETENT/QUALIFIED PERSON

Under the scaffold standards, "competent persons" and "qualified persons" have specified responsibilities. This Appendix summarizes the provisions in Subdivision L using those terms.

I. Competent Person.

A. Definition. "Competent person" is defined at 1926.450(b) as one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them. 1926.450(b).

1. A competent person must be knowledgeable about the requirements of this standard and have sufficient training or knowledge to identify and correct hazards encountered in scaffold work.
 - a. For the purposes of this Subdivision, a competent person must have had specific training in and be knowledgeable regarding the structural integrity of scaffolds and the procedures needed to maintain them.
 - b. For example, a competent person must be able to evaluate the effects of such potentially damage-causing occurrences as a dropped load or a truck backing into a support leg.
2. By definition, the competent person must have the authority to take prompt corrective measures to abate potentially hazardous work site conditions. The exercise, or lack thereof, of this authority may frequently be the deciding factor in assessing whether a particular individual is in fact a competent person under Subdivision L.

B. Duties of the Competent Person.

1. 1926.451(b)(10). Only a competent person can permit the modification of scaffold components manufactured by different manufacturers when they are used in conjunction with each other, and must ensure that the resulting scaffold is structurally sound.
2. 1926.451(b)(11). Scaffold components made of dissimilar metals are not to be used together unless a competent person has determined that galvanic action will not reduce the strength of any component to a level below that which is required by 1926.451(a)(1), i.e., capable of supporting, without failure, its own weight and at least four times the maximum intended load applied or transmitted to it.

3. These two preceding provisions reflect that, unless adequate precautions are taken, an unsafe condition could be created by the intermingling of differing scaffold components, or by the occurrence of galvanic action.
 - a. If scaffold components of different manufacturers or of different metals are used together, the competent person must carefully evaluate the scaffold to ensure structural soundness and the absence of galvanic action.
 - b. Oregon OSHA expects a competent person to be able to identify the causes and significance of any deterioration present in scaffold components and take the necessary corrective actions.
 - c. With respect to both these issues, the manufacturer's recommendations should be reviewed and may be relied upon by the competent person.
4. 1926.451(d)(3)(i) requires that direct connections on suspension scaffolds be evaluated by a competent person before the scaffold is used to confirm that the surfaces are capable of supporting the loads to be imposed.
 - a. Oregon OSHA anticipates that compliance with this provision will ensure that roof or floor decks are capable of supporting the loads to be imposed as well as ensuring that those connections are properly designed and made.
 - b. The competent person must have the ability to identify any problems with the direct connections and the authority to make any necessary corrections.
5. 1926.451(d)(10) requires the competent person to inspect all ropes used in suspension scaffolds for defects prior to each work shift and after every occurrence which could affect a rope's integrity.
 - a. Paragraph (d)(10) goes on to require the replacement of damaged, kinked, or abraded rope, as well as to specify other conditions requiring replacement.
 - b. This paragraph adopts the ANSI standard provisions describing damaged and defective rope as representing good industry practice. See ANSI A10.8-1988, Par.6.7.10.
6. 1926.451(d)(18). A competent person is also required to evaluate multi-point suspension scaffolds to determine whether they need to be tied or otherwise secured to prevent them from swaying.
7. 1926.451(e)(9)(i). For employees erecting or dismantling supported scaffolds, a competent person will have to determine the feasibility and safety of using a "safe means of access," based on, for example, site conditions and the type of scaffold being erected or dismantled.

- a. Oregon OSHA has determined that, while, there may be some situations where providing safe access for scaffold erectors and dismantlers is difficult, employers who carefully evaluate their scaffold operations can provide safe access or, at least minimize employee exposure to hazards.
 - b. The competent person, therefore, will be expected to determine the appropriate means of access for erectors/dismantlers based on a site-specific analysis of the workplace conditions.
8. 1926.451(f)(3). The competent person is also required to inspect the scaffold and its components for visible defects before each work shift and after any occurrence which could affect the scaffold's structural integrity.
 - a. However, on very large frame systems, the inspection is only required for areas to be used that work shift by employees.
 - b. The standard does not require that the competent person document the inspection findings.
9. 1926.451(g)(4)(xiv) requires that any manila or synthetic rope being used for top rails or midrails be inspected by the competent person as often as necessary (daily and/or prior to use) to ensure that it continues to meet the strength requirements of 1926.451(g).
10. 1926.451(f)(7). A competent person qualified in scaffold erection, moving, dismantling or alteration is required to supervise and direct all scaffold erection, moving, alteration or dismantling activities.
 - a. Such activities are to be performed only by trained and experienced employees selected by the competent person.
 - b. The standard makes clear that, for these activities, the competent person must actually be on site and directing the work.
11. 1926.451(g)(2). For each scaffold erection and dismantling operation, the competent person must determine the feasibility of providing fall protection.
 - a. Employers must provide fall protection to scaffold erectors and dismantlers and require it's use where the competent persons determination shows that it is feasible.
 - b. The standard does not require that these reasons be documented.
 - c. Compliance officers must evaluate the employer's claims of infeasibility or greater hazard and document on-site observations and interviews with the competent person and other affected workers relating to any such claim.

1. What factors lead the competent person to determine that it was or was not feasible?
 2. What structural members are available to accommodate the installation of a fall protection system to include an anchor?
12. 1926.451(f)(12). During storms or high winds, work on or from scaffolds is prohibited unless a competent person has determined that it is safe and that employees on the scaffold are protected by a personal fall arrest system or wind screens. High winds are any wind conditions that adversely affect the stability of the scaffold or the safety of the employees. Rather than setting a specific wind speed limit, the standard directs the competent person, after analysis of all pertinent information, to ensure that the scaffold is safe under high wind conditions, that protective measures have been instituted, and that work may safely be done from the scaffold.

C. Compliance Issues for Competent Persons.

1. A CSHOs determination of the employer's compliance with requirements involving a competent person will involve judgments on complex issues. The compliance officer must evaluate all the factors associated with competent person requirements.
2. The duties of the competent person may be shared among several individuals.
 - a. However, each must possess the qualifications related to his or her area of responsibility, and each must have the ability and authority to take corrective action.
 - (1) For example, an individual designated as the competent person for the erecting of the scaffold might not be the same individual who inspects the scaffold before each work shift.
 - (2) Also, different individuals may be designated competent persons depending on the type of scaffold used.
 - b. An individual who has competent person responsibilities for supported scaffolds would not need to have knowledge of requirements related to suspended scaffolds on the work site, if another individual were assigned those responsibilities.
3. The employer may rely on the expertise of persons who are not employees, such as consultants and scaffold systems representatives, to design, erect and dismantle scaffolds.

- a. This may be acceptable if that individual actually supervises the work being done and has authority to correct hazards. Additionally, contractors on a multi-employer site may rely on employees of the general contractor or another subcontractor to fulfill competent person responsibilities, if all the qualification criteria are met.
 - b. The compliance officer would need to determine whether, for the specific site and operation in question, the employer has effectively complied by designating another employer's employee as the competent person.
4. When more than one employer erects and uses a scaffold, the compliance officer will need to determine who the controlling and exposing employers are and document factors related to Oregon OSHA's multi-employer citation policy.
- a. The compliance officer must exercise professional judgment in these situations and a variety of case-by-case factors will need to be considered.
 - b. Information contained in the general contractor's and the subcontractors' safety programs and contract requirements, as well as copies of safety meeting minutes, written correspondence between contractors, and employer and employee interviews will be helpful in determining responsibility for violations.

II. Qualified Person.

- A. Definition: A "qualified" person means "one who, by possession of a recognized degree, certificate, or professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work, or the project". 1926.450(b).
- B. Duties
 - 1. Section 1926.451(a)(6) requires that scaffolds be designed by a qualified person. Non-mandatory Appendix A contains examples of criteria to guide an employer in designing scaffold systems. With certain exceptions carried over from the previous rule, the qualified person designing the scaffold need not be an engineer. Those exceptions are found in the following provisions:
 - a. 1926.451(d)(3)(i). Scaffold connections for masons' adjustable multi-point suspension scaffolds must be designed by an engineer "experienced in such scaffold design."
 - b. 1926.452(a)(10), (b)(10), (i)(8). Pole scaffolds over 60 feet, tube and coupler scaffolds over 125 feet, and outrigger scaffolds must be designed by a "registered professional engineer" and constructed and loaded in accordance with that design. Appendix A of the standard contains examples of criteria that will enable the employer to comply with the design and loading requirements.

- c. 1926.452(c)(6). Fabricated frame scaffolds over 125 feet in height above their base plate must be designed by a "registered professional engineer" and constructed and loaded in accordance with that design. In addition, brackets used to support cantilevered loads on such scaffolds must be used only to support personnel unless the scaffold has been designed for other loads by a "qualified engineer" and is built to withstand the tipping forces generated by such loads. 1926.452(c)(5)(iii).
2. Other designs required by a qualified person include the following:
- a. 1926.452(o)(2)(i) requires the supporting rope on single-point adjustable suspension scaffolds be kept vertical unless, among other requirements, the rigging has been designed by a qualified person.
 - b. 1926.452(p)(1) requires that platforms on two-point adjustable suspension scaffolds (swing stages) must not be more than 36 inches wide unless designed by a "qualified" person to prevent unstable conditions.

NOTE: Paragraph (p)(1) does not apply to two-point adjustable suspension scaffolds used as masons' or stone setters' scaffolds. See 1926.452(q).

- c. 1926.454(a) requires the employer to have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards.

History: Issued 8-30-1997 Revised 12-9-1997, 3-2-2012, 2-28-2014, 4-14-2014, 2-7-2017 and 10-28-2020.