

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



February 12, 1982

Philip H. Clarkson, P.E.
Manager, Structural Engineering
Lockwood Greene Engineers, Inc.
Post Office Box 491
Spartanburg, South Carolina 29304

Dear Mr. Clarkson:

This is in response to your letter of January 19, 1982, concerning the use of a safety chain in lieu of a gate. Your letter addressed to the Atlanta Regional Office was forwarded to this office for response.

29 CFR 1910.23(a)(2) does require ladderway openings to be provided with a swinging gate or offset passage. However, if in fact the safety chains used for top and intermediate rails afford employees protection "at least as effective as" the swinging gate, the safety chains would be adequate and noted as a de minimis violation.

Under OSHA's operating procedures there are provisions whereby a de minimis violation will be noted during the inspection for employers who have not met the exact requirements and/or specifications of the standards. A de minimis violation is one which has no direct or immediate relationship to the safety or health of employees, carries no penalties and does not require abatement of the violation. A copy of the directive on this subject is enclosed for your information.

If I may be of further assistance, please call or write.

Sincerely,

John K. Barto
Chief,
Division of Occupational Safety Programming