

**Standard Interpretations**

**06/05/1991 - Testing of type C soil is not necessary if employees are adequately protected.**

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• **Standard Number:** [1926.650](#); [1926.652](#)

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June 5, 1991

Mr. Michael S. Holman  
Bricker & Eckler  
100 South Third Street  
Columbus, Ohio 43215-4291

Dear Mr. Holman:

This is in response to your letter of April 16, requesting an interpretation of 29 C.F.R. Part 1926.650, et seq.

Specifically, you advised that a client of your firm has asked whether it must test soil under the requirements of the above cited part of 1926, if it assumes the soil is Type C soil and provides the required employee protection for Type C soil, regardless of the type of soil present. Your client therefore feels that no purpose would be served by soil testing in that circumstance and soil testing should not be required, assuming the employer provides the employee protection required for Type C soil.

Since Type C soil is the lowest strength (weakest) soil, if the employer meets the requirements of 29 C.F.R. 1926.652 (Requirements for Protective Systems) and Appendices A, B, C and D to Subpart P, as applicable to Type C soil, soil testing would be superfluous and not required. I must stress the employer bears the burden of proof that this is, indeed, the case.

I trust this is responsive to your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Gerald P. Reidy, Director  
Office of Construction and  
Maritime Compliance Assistance