



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-07-11E

EFFECTIVE DATE: October 1, 2011

SUBJECT: Local Emphasis Program for Powered Industrial Trucks in Construction and General Industry

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice continues a local emphasis program for inspections of complaints and referrals classified as serious that are related to powered industrial trucks.

Scope: This Notice applies to construction and general industry workplaces within the jurisdictional boundaries of the Wichita Area Office where powered industrial trucks are used in the workplace.

References: OSHA Instruction CPL 04-00-001, Procedure for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Program Requirement Violations, November 27, 1995.
OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 28, 1998.
OSHA Instruction STD 01-05-019, Control of Hazardous Energy (Lockout/Tagout) Inspection Procedures and Interpretive Guidance, September 11, 1990.
Focused Inspections in Construction, James Stanley memorandum, January 11, 1995.
OSHA Powered Industrial Truck Standards, 29 CFR 1910.178 and 29 CFR 1926.602

Expiration: September 30, 2012

Action Offices: Region VII (Wichita Area Office)

Originating Office: Kansas City Regional Office

Contact: Enforcement Programs (816) 283-0545

By and Under the Authority of:

Charles E. Adkins, CIH
Regional Administrator

Table of Contents

I.	<u>Purpose</u>	4
II.	<u>Scope</u>	4
III.	<u>Expiration</u>	4
IV.	<u>References</u>	4
V.	<u>Background</u>	4
VI.	<u>Program Procedures</u>	5
	A. <u>Inspection Goals</u>	5
	B. <u>Selections & Scheduling</u>	5
	C. <u>Data Collection</u>	6
	D. <u>Deletion Criteria</u>	6
VII.	<u>Program Evaluation</u>	6
VIII.	<u>IMIS Coding</u>	6

- I. Purpose. This Instruction continues a Local Emphasis Program for inspections of complaint and referral items classified as serious where powered industrial trucks are used in construction and general industry.
- II. Scope. This Instruction applies to the jurisdictional areas of the Wichita Area Office (WAO). All inspections conducted under this directive will be in accordance with the Field Operations Manual (FOM).

Any complaint or referral classified by OSHA as “serious” which alleges a hazard or a condition that may be a violation of a powered industrial truck standard (29 CFR 1910.178 and 29 CFR 1926.602) will be scheduled for an inspection. A hazard is determined to be serious if there is substantial probability that death or serious physical harm could result from an existing condition, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use.

III. Expiration. September 30, 2012.

IV. References.

- A. OSHA Instruction CPL 02-00-001, Procedure for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- B. OSHA Instruction CPL 02-00-051, Enforcement Exemptions Under the Appropriations Act, May 28, 1998.
- C. OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Program Requirement Violations, November 27, 1995.
- D. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
- E. OSHA Instruction STD 01-05-019, Control of Hazardous Energy (Lockout/Tagout) Inspection Procedures and Interpretive Guidance, September 11, 1990
- F. Focused Inspections in Construction, James Stanley memorandum, January 11, 1995.
- G. OSHA Powered Industrial Truck Standards, 29 CFR 1910.178 and 29 CFR 1926.602.

V. Background. Hazards to employees related to use of powered industrial trucks have continually been an issue of concern for this office. From 1999 through 2004 fatalities from powered industrial trucks accounted for approximately 5% of all accidents investigated. This trend unfortunately has been increasing. During the period of October 1, 2003 through December 13, 2004 the percentage of powered industrial truck fatalities

has more than doubled to 13.6% of all fatality investigations. Data reviewed during this period revealed that powered industrial truck hazards were cited 160 times with deficiencies in training as the biggest hazard accounting for 42.5% of all powered industrial truck violations.

Since the commencement of this program during Fiscal Year (FY) 2006 through FY 2010, 83 unprogrammed inspections were conducted which included 61 complaints, 14 referrals, and 6 fatalities. These inspections resulted in more than 162 serious hazards identified. During the implementation period of October 1 through August 15 of FY 2011, 9 inspections were conducted as a result of this program. These inspections identified 26 hazardous conditions, 6 of them specifically due to non-compliance with forklift regulations in both general industry and construction. The Wichita Area Office will continue this program into FY2012 to positively impact serious hazards related to forklift usage.

VI. Program Procedures.

A. Inspection Goals. The Wichita Area Office shall conduct inspections under this program from the time of approval through September 30, 2012.

B. Selection and Scheduling. The Area Office will identify and schedule for inspection all complaints and referrals classified as serious as defined in the Scope section of this LEP, alleging conditions that may be violations of the powered industrial truck standard. In addition to the complaint items that relate to powered industrial trucks, all other complaint items will be investigated, as well as the company's compliance with the entire powered industrial truck standard.

1. General Industry Inspections. The inspection will address all serious complaint items, all aspects of the powered industrial truck standard and hazards associated with skid steer loaders, collect OSHA 300 data for the previous three years, and evaluate the employer's safety and health program in accordance with the FOM.

2. Construction Inspections. The complaint portion of the inspection will be conducted in accordance with this program. Once the complaint inspection has been completed, the inspection will continue in accordance with the Focused Inspections in Construction memorandum dated January 11, 1995 (covering the focused four construction hazards of falls, struck by, crushed by and electrocutions). The inspection will address all complaint items, collect OSHA 300 data for the previous three years, and evaluate the employer's safety and health program in accordance with the FOM.

C. Data Collection. The Area Office will collect data from OSHA 300 logs for the past three years including the total hours worked before leaving the site to review the logs for injuries involving powered industrial trucks within the requirements of 29 CFR 1904.

D. Deletion Criteria. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, will be adhered to in the implementation of this program.

VII. Program Evaluation. The Wichita Area Office shall collect data relevant to the effectiveness of the program and submit it to the Regional Office, Enforcement Programs section, no later than November 15, 2012. At a minimum, the evaluation shall respond to the requirements of OSHA Instruction CPL 02-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), Paragraph VIII. D.

VIII. IMIS Coding.

A. Throughout the duration of this LEP, OSHA-1 forms shall be coded as follows:

For all inspections resulting from un-programmed activity, block 24, *Inspection Type* shall be marked as appropriate. In addition, block 25c, *Local Emphasis Program*, shall be marked as "FORKLIFT".

B. Outreach activities shall be recorded on the OSHA 31 under Compliance Assistance, block 29, 30 or 31, as appropriate. OSHA-55, Intervention Activity Reports, shall be initiated as necessary. The OSHA-55, Block 3.b., *Additional Detail*, shall be coded as "FORKLIFT".

Charles E. Adkins, CIH
Regional Administrator, Region VII

Date

Office of the Solicitor Concurrence

Date

Distribution: Regional Solicitor
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