



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-07-04E

EFFECTIVE DATE: 10/01/2011

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

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice continues a local emphasis program for inspections of complaints and referrals received regarding hazards associated with powered industrial trucks.

Scope: St. Louis Area Office

References: OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999; OSHA Instruction CPL 02-00-150, Field Operation Manual (FOM) April 22, 2011; OSHA Memorandum from James W. Stanley dated January 11, 1995 titled Focused Inspections in Construction.

Action Offices: St. Louis Area Office

Originating Office: Region VII (St. Louis Area Office)

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:

Charles E. Adkins, CIH
Regional Administrator

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- I. Purpose. This Notice continues a St. Louis Area Office local emphasis program for inspections of complaint and referral items related to hazards associated with powered industrial trucks.
- II. Scope. This Notice applies to the St. Louis Area Office jurisdiction. All inspections conducted under this directive will be conducted in accordance with the Field Operations Manual (FOM), CPL 02-00-150. All complaints and referrals alleging conditions and /or work practices that may be violations of the powered industrial truck standard at 29 C.F.R. § 1910.178 will be scheduled for inspection. A complaint is a notice of an alleged hazard (over which OSHA has jurisdiction), or a violation of the Act, alleged by a past or present employee, a representative of employees, an 11(c) Officer seeking resolution of a discrimination complaint or any other individual knowledgeable of the alleged hazardous condition. A referral is a notice of an alleged hazard or violation of the Act given by any source not listed as a source for a complaint, including CSHO referrals.
- III. Expiration. This notice expires September 30, 2012
- IV. References.
 - A. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999
 - B. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011
 - C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 28, 1998
 - D. OSHA Memorandum from James W. Stanley dated January 11, 1995 titled Focused Inspections in Construction
- V. Background. Powered industrial trucks have been the cause of several fatalities in this region. Ten percent of the 62 fatality inspections conducted during the years 1996 through 2000 by the St. Louis Area Office were related to powered industrial trucks. During the same timeframe, accidents relating to powered industrial trucks resulted in an additional 15 workers being hospitalized. As a result, the St. Louis Area Office initiated an LEP in 2000 to focus on hazards associated with powered industrial trucks. The program has been renewed annually.

During the first two years of the program, the St. Louis Area Office investigated three fatalities related to powered industrial trucks. One inspection in the 3rd year of the program resulted in a significant enforcement case (penalty in excess of \$100,000). Eight of the violations issued as a result of that inspection were classified as serious and involved powered industrial trucks. In both the 4th and 5th years of the program, a serious 5(a)(1) citation was issued for employees being lifted on a forklift truck without any form of fall protection.

From the program's inception through FY 2009, three hundred thirty-three (333) inspections were conducted, with an average of 3.9 violations per inspection. The percent of violations cited as Serious was 84%. In the following fiscal year (FY 2010), 72 inspections were conducted, with an average of 6.2 violations per inspection. The percent of violations cited serious was 93.8%. This fiscal year (FY 2011), 77 inspections have been conducted with an average of 3.9 violations per inspection. The percent of violations cited serious was 82.2%.

Due to the serious nature of hazards inherent in the operation of powered industrial trucks and the significant number of violations found during inspections, the St. Louis Area Office will continue this local emphasis program.

- VI. Action. The Regional Administrator, through the Assistant Regional Administrator for Enforcement Programs, and the St. Louis Area Director shall ensure that the procedures outlined in the Notice are followed and adhered to in the scheduling of inspections under this LEP. OSHA compliance personnel shall ensure that the procedures contained in this Notice are followed when conducting inspections related to this LEP. The Regional and Area Offices will ensure that resources are allocated for the implementation of this program.

The Regional Administrator, through the Assistant Regional Administrator for Compliance Assistance Programs, shall ensure that the State Consultation Program Manager is apprised of the contents of this LEP.

VII. Procedures.

- A. Inspection Goals. The St. Louis 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 as defined in the Scope section of this LEP, alleging conditions that may be violations of the powered industrial truck standard (29 C.F.R. §1910.178). 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. Any complaint or referral covered by this LEP received before September 30, 2011, will be inspected.
1. General Industry Inspections. The general industry inspections will be partial inspections. The inspection will address all complaint items, all aspects of the powered industrial truck standard, collect OSHA 300 data for the previous three years and evaluate the employer's safety and health programs in accordance with the FOM.
 2. Construction Inspections. The complaint portion of the inspection will be conducted in accordance with this emphasis 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 scope of construction inspections will

also be determined by the current Focused inspections in Construction policy memorandum. 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 (Chapter III, VI.A&C).

- C. Data Collection. The Area Office will collect data from OSHA 300 Logs for 2009, 2010, and 2011, when it becomes available, from all those employers inspected under this program who are required to maintain them. The data, which will include the totals from all the columns of the 300 Log and the total man-hours worked for these years, will be used to assist in the evaluation of this program.
 - D. Deletion Criteria. OSHA Instruction CPL 02-00-51, Enforcement Exemptions and Limitations Under the Appropriations Act, will be adhered to in the implementation of this program.
- VIII. IMIS Coding. The OSHA-1 Forms for all inspections conducted in establishments that are covered by this program shall be coded FORKLIFT in Block 25c, Local Emphasis Program.
- IX. Evaluation. The St. Louis Area Office will submit to the ARA of EP by November 15, 2012, an evaluation report that shall address the following elements:
- A. Change in the number of fatalities and catastrophes related to the operation/exposure of powered industrial trucks.
 - B. Percentage of companies inspected that are complying with 1910.178(I).
 - C. Number of violations cited relating to powered industrial trucks as indicated by the Related Event Code.
 - D. Number of employees receiving powered industrial truck training.
 - E. Number of inspections resulting in violations related to powered industrial trucks.
 - F. Number of employees covered by these inspections.
 - G. Average number of violations per inspection.
 - H. The number of employees removed from hazards related to powered Industrial trucks.
 - I. Percent of serious violations related to powered industrial trucks.
 - J. Amount of penalties assessed from inspections under this LEP.
 - K. Change in the number of complaints received in the St. Louis Area Office dealing with powered industrial trucks.

Charles E. Adkins, CIH
Regional Administrator

(Date)

Concurrence of the Regional Solicitor's Office:

(Signature)

(Date)

Distribution:

Directorate of Enforcement Programs
Regional Solicitor
Regional Administrator
Assistant Regional Administrators
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