



OSHA

REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-07-06E

EFFECTIVE DATE: 10/01/2011

SUBJECT: Local Emphasis Program (LEP) for Powered Industrial Trucks and Other Material or Personnel Handling Motorized Equipment in Construction and General Industry

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice continues a local emphasis program (LEP) for inspections of complaints received regarding powered industrial trucks and other material or personnel handling motorized equipment.

Scope: Omaha Area Office

References: OSHA Instructions CPL 04-00-001; CPL 02-00-150; CPL 02-00-111; CPL 02-00-051; CPL 02-00-147; OSHA Memorandum from James W. Stanley (09/20/95); **Journal of Safety Research** (Fall 1984, Vol. 15, No. 3, pp. 125-135)

Action Offices: Omaha Area Office

Originating Office: Kansas City Regional 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 an Omaha Area Office local emphasis program for inspections of serious complaint items related to material or personnel handling motorized equipment such as powered industrial trucks, skid steers, cranes, man lifts, front-end loaders, aerial lifts, etc., in general industry and in construction.
- II. Scope. This Notice applies to the jurisdictional area of the OSHA Omaha Area Office. All inspections conducted under this directive will be in accordance with the Field Operations Manual (FOM).

Complaints shall include a notice of an alleged hazard, or violation of the Occupational Safety and Health Act of 1970 (the Act). Complaints may be made by past or present employees, a representative of employees, an OSHA discrimination programs representative seeking resolution of such a complaint, or any other individual knowledgeable of a hazardous condition to which employees are exposed.

All complaints signed by an employee(s) or an employee representative(s) alleging powered industrial truck or other material or personnel handling motorized equipment hazards or conditions, which may be violations of the powered industrial truck standard, the general duty clause or other related standards, will be inspected regardless of when last observed by the complainant.

Any other referral or complaint classified by OSHA as "serious" which alleges a powered industrial truck or material or personnel handling motorized equipment hazard or a condition will be scheduled for inspection if the condition is observed by the complainant within two weeks of notification of the Omaha Area Office. A hazard is determined by OSHA 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.

All other referrals or complaints which allege violative conditions related to powered industrial trucks or material or personnel handling motorized equipment, will be handled according to the Field Operations Manual (FOM) as investigations rather than inspections.

- III. Expiration. This Notice expires September 30, 2012.
- IV. References.
 - A. OSHA Instruction CPL 04-00-001 (CPL 2.102A), November 10, 1999, Procedures for Approval of Local Emphasis Programs (LEPs)

- B. OSHA Instruction CPL 02-00-150, April 22, 2011, Field Operations Manual (FOM)
 - C. OSHA Instruction CPL 02-00-111 (CPL 2.111), November 27, 1995, Citation Policy for Paperwork and Written Requirement Violations
 - D. OSHA Instruction CPL 02-00-051 (CPL2.51J), May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act
 - E. OSHA Memorandum from James W. Stanley revised September 20, 1995 titled Focused Inspections in Construction.
 - F. OSHA Instruction CPL 02-00-147, February 11, 2008, The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures (29 CFR 1910.147)
 - G. **Journal of Safety Research** (Fall 1984, Vol. 15, No. 3, pp. 125-135) *Measuring the Effectiveness of an Industrial Lift Truck Safety Training Program* (Ex. 3-5).
- V. Background. In Region 7, multiple fatalities have been caused by powered industrial truck accidents. Forty-nine (49) work-related fatality investigations were conducted by the Omaha Area Office during fiscal years (FY) 2002 through 2005 and of those, 8.0% were related to powered industrial truck mishaps. 12.4% (96) of the total inspections (774) conducted by the Omaha Area Office, in FY 2004 and FY 2005, resulted in the issuance of powered industrial truck violations. During and since Fiscal Year 2008, 192 inspections were conducted, in which forklift hazards were identified and resulted in 264 serious, willful or repeat violations. These were issued in accordance with the Local Emphasis Program (LEP) for Powered Industrial Trucks in Construction and General Industry (CPL 2-07-06A).

This program has continued to provide an avenue to promote training on powered industrial trucks, which studies (Reference G) have shown to reduce the operators' error rates. However, an evaluation of the 23 fatalities investigated by the Omaha Area Office between October 1, 2008 and September 17, 2010 shows a disturbing trend. The use of material or personnel handling motorized equipment, such as powered industrial trucks, skid steers, cranes, man lifts, front-end loaders, aerial lifts, etc., were related to forty-three percent of those fatalities (10). In order to address this trend, the program was expanded in FY10 from the scope of the previous Local Emphasis Program (LEP) for Powered Industrial Trucks in Construction and General Industry to include all material or personnel handling motorized equipment. Even though the number of fatalities investigated in FY 11 has dropped significantly, a full two-third (66%) of the fatalities were still related to material or personnel handling motorized equipment as of August 22, 2011.

- VI. Action. The Regional Administrator, through the Assistant Regional Administrator for Enforcement Programs, and the Omaha Area Director shall ensure that the procedures outlined in this 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 program. The Region and the Area office will insure that they will allocate resources 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 apprized to the content of this LEP.

VII. Procedures.

- A. Inspection Goals. The Omaha Area Office shall conduct inspections under this program for 12 consecutive months following the date of approval.
- B. Selection and Scheduling. The Area Office will identify and schedule for inspection all complaints signed by current employees or their representatives and serious complaints and referrals alleging conditions that may be violations of the powered industrial truck and other material or personnel handling motorized equipment standards for general industry and construction which were observed by the complainant or referring party within two weeks notification to the Omaha Area Office. In addition to the complaint items that relate to material or personnel handling motorized equipment, all other complaint items will be investigated, and the company's compliance with the entire forklift standard will be evaluated. If section VII.C. of this LEP applies to the employer the inspection will not proceed.
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 and any other standards related to material or personnel handling motorized equipment, collect OSHA 300 data for the previous three years, and evaluate the employer's safety and health program in accordance with the FOM (Chapter 3) and CPL 02-00-147.
 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 revised September 20, 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 (Chapter 3).

- C. 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.
- VIII. IMIS Coding. The OSHA-1 Forms for all inspections conducted in establishments that are covered by this program shall be coded in Block 25c, Local Emphasis Program, with FORKLIFT.
- IX. Evaluation. The Omaha Area Office will submit to the ARA of EP an evaluation report which will cover the previous years' activities. The evaluation shall be submitted within 45 days of the expiration date of this Notice and shall include the following elements:
- A. Number of inspections initiated relating to powered industrial trucks and other material or personnel handling motorized equipment as indicated by the IMIS Coding (See Paragraph VIII).
 - B. Number of these inspections resulting in violations related to powered industrial trucks and other material or personnel handling motorized equipment.
 - C. Number of violations cited relating to powered industrial trucks and other material or personnel handling motorized equipment.
 - D. Number of hazards corrected which are not related to powered industrial trucks and other material or personnel handling motorized equipment.
 - E. Average number of violations per inspection.
 - F. Percent of serious violations related to powered industrial trucks and other material or personnel handling motorized equipment.
 - G. Assessment of how this program has helped the Agency meet its five-year strategic plan.
 - H. Reduction in fatalities associated with powered industrial trucks and other material or personnel handling motorized equipment in general industry and construction.

Charles E. Adkins, CIH
Regional Administrator

(Date)

Concurrence of the Regional Solicitor's Office:

(Signature)

(Date)

Distribution:

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