



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-15-01B

EFFECTIVE DATE: October 1, 2016

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

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice continues a Region-wide local emphasis program (LEP) for inspections of complaints and referrals received regarding powered industrial trucks and other material or personnel handling motorized equipment in construction, general industry, and maritime.

Scope: OSHA Region VII

References: OSHA Instructions CPL 04-00-001; CPL 02-00-160; CPL 02-00-111; CPL 02-00-051; CPL 02-00-147; OSHA Memorandum from James W. Stanley (09/20/95)

Expiration Date: September 30, 2017

Action Offices: Region VII Regional and Area Offices

Originating Office: Kansas City Regional Office

Contact: Enforcement Programs - (816) 283-8745

By and Under the Authority of:

Kimberly A. Stille
Regional Administrator

TABLE OF CONTENTS

I.	<u>Purpose</u>	3
II.	<u>Scope</u>	3
III.	<u>Expiration</u>	3
IV.	<u>References</u>	3
V.	<u>Background</u>	4
VI.	<u>Action</u>	4
VII.	<u>Program Procedures</u>	5
	A. <u>Inspection Goals</u>	5
	B. <u>Complaint and Referral Inspections</u>	5
	C. <u>Evaluation of Compliance</u>	6
	D. <u>Deletion Criteria</u>	6
VIII.	<u>OIS Coding</u>	7
IX.	<u>Evaluation</u>	7

- I. Purpose. This Notice continues a local emphasis program (LEP) for inspections of complaint and referral items classified as serious that allege hazards involving material handling or personnel handling motorized equipment in construction, general industry, and maritime. It also establishes the evaluation of compliance with applicable struck-by standards for all inspections.
- II. Scope. This Notice applies to the jurisdictional areas of the OSHA Region VII Des Moines, Omaha, Wichita, Kansas City, and St. Louis Area Offices. All inspections conducted under this directive will be in accordance with the Field Operations Manual (FOM). This LEP is intended to address hazards associated with the operation of material handling or personnel handling motorized equipment (including but not limited to powered industrial trucks, skid steers, cranes, man lifts, front-end loaders, aerial lifts, etc.) in general industry, construction and maritime.

Compliance with all applicable vehicle-related standards shall be evaluated during all general industry, construction, and maritime inspections.

All complaints meeting the criteria for an inspection outlined in the Field Operations Manual (FOM) Chapter 9 (Section I. A.-C.), alleging material or personnel handling motorized equipment hazards or conditions, will be inspected regardless of when last observed by the complainant. Such hazards may be violations of the powered industrial truck standard, the general duty clause or other related standards.

Any referral or other complaint classified by OSHA as "Serious" which alleges a material or personnel handling motorized equipment hazard or a condition will be scheduled for an inspection if the condition was observed by the complainant within two weeks of notification to the 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.

- III. Expiration. This Notice expires September 30, 2017, and may be renewed based on the program's evaluation at that time.
- IV. References.
 - A. OSHA Instruction CPL 04-00-001 (CPL 2-0.102A), November 10, 1999, Procedures for Approval of Local Emphasis Programs (LEPs).
 - B. OSHA Instruction CPL 02-00-160, August 2, 2016, 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, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, and (Change effective January 29, 2016, Appendix A, or most recent version).
 - E. OSHA Instruction CPL 02-00-147, February 11, 2008, The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures.
 - F. OSHA Memorandum from James W. Stanley revised September 20, 1995, titled Focused Inspections in Construction.
 - G. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
 - H. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- V. Background. From fiscal years 2011-2013, 36 percent (24 of 67) of Region VII accident investigations were vehicle-related struck-by fatalities. These investigations resulted in an average of 4 violations per inspection. Also during this timeframe, 336 struck-by inspections were conducted in Region VII with an average 2.4 violations/inspection. Under the FY 2014 Region VII local emphasis programs on powered industrial trucks, 44 inspections were conducted and resulted in 4 violations/inspection. During FY 2015, 442 struck-by inspections were conducted with an average of 2.81 violations/inspection. During FY 2016 (October 1, 2015 through July 31, 2016), 291 struck-by inspections were conducted with an average of 2.89 violations/inspection. In accordance with the Department of Labor Strategic Plan 2014-2018, this LEP addresses OSHA Performance Goal 2.1: “Improve workplace safety and health through the enforcement of occupational safety and health regulations and standards.”
- VI. Action. The Regional Administrator, through the Assistant Regional Administrator for Enforcement Programs, and the Area Directors 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 Regional Administrator, through the Assistant Regional Administrator for Compliance Assistance Programs, shall ensure that the State Consultation Program Manager is apprised to the content of this LEP.
- VII. Outreach. An information package, including a copy of the directive, will be made available upon request to employers, professional associations, and labor organizations. As an additional resource for achieving compliance, employers will be encouraged to utilize the 21(d) Consultation Program.

VIII. Program Procedures.

A. Inspection Goals. The Region VII Area Offices shall conduct inspections under this program for 12 consecutive months following the date of approval. Compliance Safety and Health Officers (CSHOs) will evaluate compliance with all applicable standards addressing vehicle and/or motorized equipment during all general industry, construction, and maritime inspections.

B. Complaint and Referral Inspections. Inspections and complaints will be handled as follows:

1. All complaints meeting the criteria for an inspection outlined in the Field Operations Manual (FOM) chapter 9 (Section I. A.-C.), alleging material or personnel handling motorized equipment hazards or conditions, will be inspected regardless of when last observed by the complainant. Such hazards may be violations of the powered industrial truck standard, the general duty clause or other related standards.
2. Any referral or other complaint classified by OSHA as "Serious" which alleges a material or personnel handling motorized equipment hazard or a condition will be scheduled for an inspection if the condition was observed by the complainant within two weeks of notification to the 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.
3. All other referrals or complaints which allege violative conditions related to material or personnel handling motorized equipment, not classified as Serious (as defined above), will be handled in accordance with the Field Operations Manual (FOM) as "phone & fax" investigations rather than inspections.
4. When an establishment is scheduled for inspection whose SIC or NAICS code falls under the scope of another active LEP within the jurisdiction of the applicable office, both inspections will be conducted concurrently.

C. Scope of Inspection.

1. General Industry Inspections.

The inspection will address all complaint items, all aspects of 29 CFR 1910 Subpart N 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 programs in accordance with the FOM (Chapter 3) and CPL 02-00-147.

The general industry inspections will be classified as partial inspections, unless the criteria outlined in the FOM are met, in which case the inspections will be classified as comprehensive. Any health referrals made under this LEP will be classified as partial health inspections unless the health portion meets the criteria for comprehensive inspection under another LEP or National Emphasis Program (NEP), or the FOM.

2. Construction Inspections.

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).

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).

3. Maritime Inspections.

The inspection will address all complaint items, collect OSHA 300 data for the previous three years, and evaluate the employer's safety and health programs in accordance with the FOM (Chapter 3).

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 if it meets the criteria for comprehensive inspection under another LEP or NEP, or the FOM.

D. Evaluation of Compliance. Compliance with 29 CFR 1910 Subpart N, 1926.601, 1926.602, 1926 Subpart C, 1915 Subpart G, 1917.43, 1917.44, 1917.45, 1918.55, and 1918 Subpart G powered equipment standards, as applicable, shall be evaluated during all general industry, maritime, and construction inspections, as applicable, where industrial trucks and similar equipment is in use. The review of the records shall include attention to injuries related to industrial truck and similar equipment use and "struck-by" hazards. All inspections shall be performed in accordance with the Field Operations Manual, CPL 02-00-160, and other inspection policies and procedures.

E. 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.

IX. OIS Coding.

- A. The Inspection Activity for all inspections conducted in establishments that are covered by this program shall be coded REPVEHICLE. Also, for any inspection, as noted in VII.B. as comprehensive under another LEP or NEP, the coding should reflect those LEPs or NEPs.
- B. All consultation activities (requests, visits, and compliance assistance) conducted at sites where vehicle-related standards are evaluated regarding powered industrial trucks and other material or personnel handling motorized equipment in construction, general industry, and maritime will be coded with "REPVEHICLE" in the Local Emphasis Program field on the appropriate forms.

X. Evaluation. By October 30, the Kansas City Regional Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

Kimberly A. Stille
Regional Administrator

(Date)

Concurrence of the Regional Solicitor's Office:

(Signature)

(Date)

Distribution:

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