OSHA Regional Instruction

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

DIRECTIVE NUMBER: 21-09 (CPL 04)	**EFFECTIVE DATE:** December 31, 2021
SUBJECT: Local Emphasis Program for Powered Industrial Trucks	
REGIONAL IDENTIFIER: Region 10	

ABSTRACT

Purpose: This instruction renews policies and procedures to follow when scheduling and conducting programmed local emphasis inspections of selected agricultural and general industry operations in targeted North American Industry Classification System (NAICS) industries. This instruction also renews policies and procedures for conducting unprogrammed inspections of construction operations and other industries where powered industrial trucks are used.

Scope: This instruction applies to the Boise Area Office.

References: OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.

OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, dated May 28, 1998.

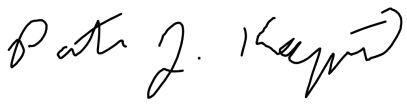
OSHA Instruction CPL 02-00-164, Field Operations Manual, dated April, 2020.

OSHA Instruction CPL 02-01-028, Compliance Assistance for the Powered Industrial Truck Operator Training Standards, dated November 30, 2000.

OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs", dated November 13, 2014.

	OSHA Memorandum for Regional Administrators, Subject: "Procedures for Local and Regional Emphasis Programs", dated December 3, 2014.
Cancellation:	OSHA Regional Instruction 19-12 (CPL 04), dated December 31, 2018.
Expiration:	This instruction will expire on December 31, 2026, but may be renewed.
State Plan Impact:	None.
Significant Changes:	None.
Action Offices:	Boise Area Office and Office of Enforcement Programs
Originating Office:	Boise Area Office and Office of Enforcement Programs
Contact:	Assistant Regional Administrator Office of Enforcement Programs

By and Under the Authority of:



Patrick J. Kapust
Acting Regional Administrator

Executive Summary

This instruction renews the framework for a local emphasis program to reduce and/or eliminate hazards associated with Powered Industrial Truck (PIT) operations.

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I. Purpose.

This instruction renews policies and procedures to follow when scheduling and conducting programmed local emphasis inspections of selected agricultural and general industry operations in targeted North American Industry Classification System (NAICS) industries. This instruction also transmits policies and procedures for conducting unprogrammed inspections of construction operations and other industries where powered industrial trucks are used.

II. Scope.

A. This instruction applies to programmed inspections of agricultural and general industry establishments operating within the following North American Industrial Classification System (NAICS) industries:

- 111421: Sod Farming
- 111940: Hay Farming
- 112120: Diary & Milk Production
- 311211: Grits
- 311230: Cereal Manufacturing
- 311411: Vegetable or Fruit
- 311412: Frozen Food Manufacturing
- 311422: Canned Food Manufacturing
- 311423: Freeze Dried Food Manufacturing
- 311514: Dairy Food Canning
- 311612: Meat Canning
- 311615: Chicken Canning
- 311991: Fresh Pack Vegetables
- 321113: Sawmills
- 423930: Metal Scrap and Waste Merchant Wholesalers
- 424490: Other Grocery and Related Products Merchant Wholesalers (Soft Drinks)
- 424820: Alcoholic Beverages, Wine and Distilled Spirits Merchant Wholesalers
- 444110: Home Improvement Centers
- 444130: Hardware Stores
- 444190: Building Material Dealers
- 454390: Warehouse Clubs
- 493110: Warehousing and Storage of General Merchandise
- 493120: Refrigerated Warehousing and Storage
- 493130: Farm Product Warehousing and Storage
- 493190: Miscellaneous Storage
- 532310: Home and Garden Equipment Rentals

B. This instruction also applies where PITs are used on construction operations being inspected as the result of other programmed or unprogrammed targeting initiatives.

C. The Boise Area Office, at the discretion of the Area Director, will also conduct inspections for complaints, formal or non-formal, and referrals which contain valid, serious allegations of PIT hazards unless there are significant resource restrictions.

III. Action Offices.

Boise Area Office and Office of Enforcement Programs.

IV. State Plan Impact.

None.

V. References:

OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.

OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act, May 28, 1998

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VI. Cancellation.

OSHA Regional Instruction 19-12 (CPL 04), dated December 31, 2018.

VII. Expiration.

This instruction will expire on December 31, 2026, but may be renewed.

VIII. Powered Industrial Truck (PIT) Definition.

A Powered Industrial Truck (PIT) includes those vehicles covered by 29 CFR 1910.178, 29 CFR 1926.602(c) and 29 CFR 1928.51. In general industry (29 CFR 1910.178), powered industrial trucks include fork trucks, tractors, platform lift trucks used for lifting and hauling and powered by electric motors or internal combustion engines. In

construction (29 CFR 1926.602(c), a powered industrial truck includes equipment used for lifting and hauling that is not earthmoving. A covered "agricultural tractor" is a two or four-wheel drive type vehicle, or track vehicle, of more than 20 horsepower designed to furnish the power to pull, carry, propel, or drive implements (self-propelled implements are excluded) that are designed for agriculture (29 CFR 1928.51(a)). (NOTE: Farm vehicles are not included in the Powered Industrial Truck standard, 29 CFR 1910.178(a)(1); however, the General Duty Clause may be considered.)

The definition does not include compressed air or nonflammable compressed gas-operated industrial trucks, nor to vehicles intended primarily for earth moving or over-the-road hauling. However, vertical mast skid steer loaders designed as powered industrial trucks meeting ANSI B56.6 Rough Terrain Forklift Trucks would be considered PITs under 29 CFR 1910.178.

The American Society of Mechanical Engineers (ASME) defines a powered industrial truck as a mobile, power-propelled truck used to carry, push, pull, lift, stack, or tier materials. Powered industrial trucks, often called forklifts or lift trucks, can be ridden or controlled by a walking operator.

IX. Background.

This LEP supports the Occupational Safety and Health Administration (OSHA) Fiscal Year 2022 Agency Management Plan, Agency Theme 1, Assure Safe and Healthful Workplaces, to secure safe and health workplaces, particularly in high-risk industries, including the agency's theme to protect the most vulnerable workers in high hazard industries, by targeting industries with higher than average illness and injury rates.

The U.S. Bureau of Labor Statistics reports that from 2011 to 2017, 614 workers lost their lives in forklift related incidents and more than 7,000 nonfatal injuries with days away from work occurred every year. Of the 74 fatal work injuries involving forklifts in 2017, the events that led to the most workplace deaths were non-roadway incidents (20), struck by powered vehicle, non-transport cases (13), struck by falling object cases (12), falls to lower level (11), and pedestrian vehicular incidents (9).

Forklifts were involved in 9,050 nonfatal workplace injuries or illnesses with days away from work in 2017. These cases resulted in workers taking a median of 13 days away from work, higher than the median of 8 days for all cases. Of these cases, 2,050 involved non-roadway accidents with the forklift, and 1,850 more cases involved pedestrians while the forklift was in transportation use. Forklift related occupational injuries to pedestrians resulted in the highest median days away from work (20 days) compared to other forklift related events.

There are many types of powered industrial trucks. Each type presents different operating hazards. For example, a sit-down, counterbalanced high-lift rider truck is more likely than a motorized hand truck to be involved in a falling load accident because the sit-down rider truck can lift a load much higher than a hand truck. Workplace type and conditions

are also factors in hazards commonly associated with powered industrial trucks. For example, retail establishments often face greater challenges than other worksites in maintaining pedestrian safety. Beyond that, many workers can also be injured when (1) lift trucks are inadvertently driven off loading docks; (2) lifts fall between docks and an unsecured trailer; (3) they are struck by a lift truck; or (4) they fall while on elevated pallets and tines.

The Boise Area Office conducted four fatality inspections in FY 2018- 2021 that involved a powered industrial truck. Employers were cited using the General Duty Clause for not equipping the forklifts and other powered industrial trucks with seatbelts and under 29 CFR 1910 for not providing personal protective equipment such as helmets and truck modifications. Other citations related to fall hazards, electrical hazards and hazard communication.

X. Inspection Scheduling.

A. Outreach Program – This LEP has been in place for several years and outreach is a continual effort through programs such as Safety Fests and meetings with local industry organizations. The Boise Area Office will provide updated information to employers on topics such as the OSHA standards that apply to PIT operations, how to implement a safety and health program, and details about the LEP. Information will be disseminated via the Boise Area Office electronically to employers and industry representatives.

B. The Area Director will be responsible for developing the final list of inspection sites for this LEP. The Area Director will obtain a list of Idaho establishments in the NAICS codes listed in section II.A of this instruction from either an independent establishment search database or from the National Office. Additional sites may be added to or removed from the establishment list based on local knowledge.

C. Any inspection sites that have received a comprehensive inspection within the previous three years will be deleted prior to finalizing the inspection list. The Area Director may also delete inspection sites that are known to be out of business. Prior to finalizing the targeting list, employer's exempt under the Appropriations Act (References in Section V. of this instruction), will be removed from the targeting list.

D. After the deletions are complete, all remaining establishments shall be randomly selected for inspection using a random numbers table applied to the final list. The primary inspection list will include 20 randomly selected establishments. All establishments selected shall be inspected before developing a secondary list or requesting additional establishments from either the independent establishment search database or the OSHA Office of Statistical Analysis. This selection process sets forth administratively neutral criteria to identify establishments for inspection.

E. Unprogrammed inspections will be initiated upon notification of imminent danger, fatality, catastrophe, complaints and referrals from outside OSHA of hazards related to PIT use. Compliance officers (CSHO) who observe the use of PITs while conducting other programmed and unprogrammed inspections of agricultural, general industry, and construction operations shall expand the inspection to include the use of PITs.

XI. Inspection Procedures.

A. Inspections conducted under this LEP will be partial inspections with a focus on the use and operation of PITs within the establishment. However, as stated above, if the CSHO observes the use of PITs while conducting other inspections, the inspection shall be expanded to evaluate the use of PITs.

B. The CSHO will review the establishment's PIT program and training program. The CSHO will also inspect the PITs used on site and interview a representative sample of equipment operators.

The CSHO will also review the employer's injury and illness records (OSHA 300 Logs and OSHA 300A Summaries) to determine whether other equipment, tasks, or processes should be inspected. The CSHO will identify trends and/or serious hazards covered by another local, regional or national emphasis program (LEP, REP, NEP). If trends or serious hazards under another LEP, REP or NEP are observed, the CSHO will expand their inspection in accordance with the applicable emphasis program.

C. If an employer refuses to allow the compliance officer to expand an inspection being conducted under other initiatives, the compliance office must consult with the Area Director. The Area Director will consult with the Assistant Regional Administrator for Enforcement Programs and the Associate Regional Solicitor for Region X to determine if a warrant should be sought.

D. The Area Director shall ensure that compliance officers are sufficiently qualified or trained to conduct this type of inspection. .

XII. OIS Coding.

In addition to recording information and entering data in OIS in accordance with all other relevant instructions and directives, for all inspections conducted under this directive, the following specific coding instructions apply:

A. All inspections, unprogrammed activities and compliance assistant activities involving PIT operations, including programmed and unprogrammed, shall be coded on the inspection form (formerly OSHA-1) with the designation FORKLIFT. Inspections conducted under this program shall be coded as "Programmed Planned"

or "Programmed Related" if the CSHO conducted the inspection under a different program. Also use the LEP designation "FORKLIFT". Unprogrammed inspections (i.e. Complaints, Referrals from Outside OSHA, Fatalities/Catastrophes, Employer reported hospitalization or amputation) shall be classified as "Unprogrammed" and coded under this local emphasis program designation of "FORKLIFT".

B. For those job sites that are inspected under multiple emphasis programs, appropriate coding should be included on the inspection form for each specific emphasis program.

XIII. Evaluation.

This LEP has been evaluated using criteria from OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018. The Area Director may be asked to provide input concerning special problems that may have surfaced during the year, recommendations to improve the LEP, and recommendations to renew or not renew the LEP.

The Office of Enforcement Programs shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review at the midpoint, and at the completion of the program.

APPENDIX A
Non-Mandatory PIT Checklist

This checklist is intended to provide compliance assistance to employers and compliance officers working in general industry operations. It is not intended to be a replacement for a comprehensive review of the OSHA standards nor does compliance with this checklist imply any exemptions from inspections or citations.

Do industrial trucks acquired after February 15, 1972, meet the design requirements in "American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1-1969"?
29 CFR 1910.178(a)(2)

Has the manufacturer provided written approval for modifications that affect the capacity and safety operations of the equipment?
29 CFR 1910.178(a)(4)

Do industrial trucks have labels designating approval for use in various hazardous and/or non-hazardous locations?
29 CFR 1910.178(a)(3) and 29 CFR 1910.178(a)(7)

Designations

Are supervisors and procurers of equipment aware of the eleven designations of industrial trucks or tractors (D, DS, DY, E, ES, EE, EX, G, GS, LP, and LS)?
29 CFR 1910.178(b)

Designated Use of Requirements

Are supervisors and operators knowledgeable about the use of industrial trucks in various locations?
29 CFR 1910.178(c)(1)

Fuel Handling and Storage Requirements

Is the storage and handling of liquid fuels in accordance with NFPA Flammable and Combustible Liquids Code (NFPA No. 58-1969)?
29 CFR 1910.178(f)(1)

Is the storage and handling of liquefied petroleum gas fuel in accordance with NFPA Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-1969)?
29 CFR 1910.178(f)(2)

Changing and Charging Storage Batteries

Are battery-charging installations located in areas designated for that purpose?
29 CFR 1910.178(g)(1)

Are facilities provided for flushing and neutralizing spilled electrolyte?
29 CFR 1910.178(g)(2)

Are facilities provided for adequate ventilation for dispersal of fumes from gassing batteries?
29 CFR 1910.178(g)(2)

Is proper handling equipment (conveyor and hoists) provided for handling batteries?
29 CFR 1910.178(g)(4)

Is a carbon filter or siphon provided for handling electrolyte?
29 CFR 1910.178(g)(6)

Is care taken to ensure that vent caps are functioning when charging batteries? Note: The battery (or compartment) cover(s) shall be open to dissipate heat.
29 CFR 1910.178(g)(9)

Is smoking prohibited in the charging area?
29 CFR 1910.178(g)(10)

Are precautions taken to prevent open flames, sparks, or electric arcs in battery-charging areas?
29 CFR 1910.178(g)(11)

Are tools and other metallic objects kept away from the tops of uncovered batteries?
29 CFR 1910.178(g)(12)

Dockboards (bridge plates)

Are portable and powered dockboards strong enough to carry the load imposed on them?
29 CFR 1910.30(a)(i)

Are portable dockboards secured in position, either by being anchored or equipped with devices that will prevent slippage?
29 CFR 1910.30(a)(2)

Are handholds or other effective means provided on portable dockboards to ensure safe handling?
29 CFR 1910.30(a)(4)

Operator Training

Are only trained and authorized operators permitted to operate a powered industrial truck?
29 CFR 1910.178(l)

Truck Operations

Is it prohibited for a person to stand or pass under the elevated portion of any truck, whether loaded or empty?
29 CFR 1910.178(m)(2)

Are unauthorized personnel prohibited from riding on powered industrial trucks?
29 CFR 1910.178(m)(3)

Is it prohibited for arms or legs to be placed between the uprights of the mast or outside the running lines of a truck?
29 CFR 1910.178(m)(4)

Is it required for load-engaging means to be fully lowered, controls neutralized, power shut off, and brakes set when a powered industrial truck is left unattended?
29 CFR 1910.178(m)(5)(i)

Is it required to maintain a safe distance from the edge of ramps or platforms while on any elevated dock, platform, or freight car?
29 CFR 1910.178(m)(6)

Is an overhead guard used as protection against falling objects?
29 CFR 1910.178(m)(9)

Is a load backrest extension used whenever necessary to minimize the possibility of the load or part of it from falling backward?
29 CFR 1910.178(m)(10)

Are only approved industrial trucks used in hazardous locations?
29 CFR 1910.178(m)(11)

Traveling

Is it required that all traffic regulations be observed, including authorized plant speed limits?
29 CFR 1910.178(n)(1)

Is it required to yield the right of way to ambulances, fire trucks, or other vehicles in emergency situations?
29 CFR 1910.178(n)(2)

Is it required that drivers not pass other trucks traveling in the same direction at intersections, blind spots, or other dangerous locations?
29 CFR 1910.178(n)(3)

Is it required that drivers slow down and sound the horn at cross aisles and other locations where vision is obstructed?
29 CFR 1910.178(n)(4)

Is it required that railroad tracks shall be crossed diagonally, wherever possible?
29 CFR 1910.178(n)(5)

Is it required that when ascending or descending grades that exceed 10 percent, loaded trucks be driven with the load upgrade?
29 CFR 1910.178(n)(7)(i)

Is it required that on all grades the load and load-engaging means be tilted back, if applicable, and raised only as far as necessary to clear the road surface?
29 CFR 1910.178 (n)(7)(iii)

Is it required that under all travel conditions the truck be operated at a speed that will permit it to stop in a safe manner?
29 CFR 1910.178(n)(8)

Is stunt driving and horseplay prohibited?
29 CFR 1910.178(n)(9)

Are dockboards or bridge plates properly secured before they are driven over?
29 CFR 1910.178(n)(11)

Is it required that elevators be approached slowly, and then entered squarely after the elevator car is properly leveled?
29 CFR 1910.178(n)(12)

Is it required that motorized hand trucks enter elevators or other confined areas with load end forward?
29 CFR 1910.178(n)(13)

Loading

Are drivers instructed that only stable or safely arranged loads be handled?
29 CFR 1910.178(o)(1)

Are drivers instructed that only loads within the rated capacity of the truck shall be handled?
29 CFR 1910.178(o)(2)

Is a load-engaging means placed under the load as far as possible?
29 CFR 1910.178(o)(5)

Are drivers required to use extreme care when tilting the load forward or backward, particularly when high tiering?
29 CFR 1910.178(o)(6)

Operation of the Truck

Are personnel instructed that fuel tanks not be filled while the engine is running?
29 CFR 1910.178(p)(2)

Is it required that spillage of oil or fuel be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting the engine?
29 CFR 1910.178(p)(3)

Is it prohibited for a truck to be operated with a leak in the fuel system until the leak has been corrected?
29 CFR 1910.178(p)(4)

Is it prohibited for open flames to be used for checking electrolyte level in storage batteries or gasoline level in fuel tanks?
29 CFR 1910.178(p)(5)

Maintenance of Industrial Trucks

Is it required that no repairs be made in Class I, II, and III locations?
29 CFR 1910.178(q)(2)

Is it required that repairs to the fuel and ignition systems of industrial trucks, which involve fire hazards, be conducted only in locations designated for such repairs?
29 CFR 1910.178(q)(3)

Is it required that trucks in need of repairs to the electrical system have the battery disconnected before such repairs are made?
29 CFR 1910.178(q)(4)

Is it required that industrial trucks not be altered without the manufacturer's approval?
29 CFR 1910.178(q)(6)

Is it required that industrial trucks be examined before being placed in service?
29 CFR 1910.178(q)(7)

Is it required that water mufflers be filled daily or as frequently as necessary to prevent depletion of the water supply below 75 percent of the filled capacity?
29 CFR 1910.178(q)(8)

Is it required that vehicles with mufflers and screens or other parts that may become clogged not be operated while such screens or parts are clogged?
29 CFR 1910.178(q)(8)

Is it required that any vehicle that emits hazardous sparks or flames from the exhaust system be immediately removed from service and not returned to service until the cause for the emission of such sparks and flames has been eliminated?
29 CFR 1910.178(q)(8)

Is it required that when the temperature of any part of any truck is found to exceed its normal operating temperature, thus creating a hazardous condition, the vehicle be removed from service and not be returned to service until the cause for such overheating has been eliminated?
29 CFR 1910.178(q)(9)

Are seatbelts installed, maintained in working condition, and usage enforced?
29 CFR 1910.178(q) and 5(a)(1)

Where seatbelts are not installed, was the industrial truck originally equipped with one, or had the employer been made aware of the hazard and a restraint retrofit?

A. http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=22105&p_table=INTERPRETATIONS

B. http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=22277