



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-15-01F

EFFECTIVE DATE: October 1, 2019

SUBJECT: Regional Emphasis Program (REP) 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 Instruction continues a Regional emphasis program (REP) 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: This Instruction applies to Region VII Area Offices

References: OSHA Instruction CPL 02-00-163, Field Operations Manual (FOM), September 13, 2019, or the most current version at the time of the inspection opening conference

OSHA Instruction CPL 02-00-147, The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures, February 11, 2008

OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, or successor guidance

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

OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Requirement Violations, November 27, 1995.

Cancellation: This Instruction cancels CPL 2-15-01E, Region-wide Local Emphasis Program (LEP) for Powered Industrial Trucks and Other Material or Personnel Handling Motorized Equipment in Construction, General Industry, and Maritime, October 1, 2018.

State Plan Impact: None

Action Offices: Region VII Area Offices

Originating Office: Kansas City Regional Office

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By and Under the Authority of:

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EXECUTIVE SUMMARY

This Instruction continues a Regional Emphasis Program (REP) 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.

The intent is to encourage employers to take steps to address hazards, ensure facilities are evaluated to determine if the employer complies with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing potential injuries, illnesses, and deaths of workers.

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- I. Purpose.** This Instruction continues a Regional Emphasis Program (REP) for inspections of complaint and referral items classified as serious alleging 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 Instruction applies to 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 FOM. This Instruction intends to address hazards associated with 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 all general industry, construction, and maritime inspections.
- III. Expiration.** This Instruction will expire September 30, 2024
- IV. Action.** OSHA compliance personnel shall follow the procedures contained in this instruction when conducting outreach and enforcement activities.
- V. References.**

 - A. OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
 - B. OSHA Instruction CPL 02-00-163, Field Operations Manual (FOM), September 13, 2019, or the most current version at the time of the inspection opening conference.
 - C. OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Requirement Violations, November 27, 1995.
 - D. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, dated May 28, 1998 and Change dated December 18, 2018 (Appendix A), or most current version.
 - E. OSHA Instruction CPL 02-00-147, The Control of Hazardous Energy—Enforcement Policy and Inspection Procedures, February 11, 2008.
 - F. OSHA Memorandum from James W. Stanley, titled Focused Inspections in Construction, revised September 20, 1995.
 - G. OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- VI. Cancellation.** This Instruction cancels OSHA Regional Notice CPL 2-15-01E, Region-wide Local Emphasis Program (LEP) for Powered Industrial Trucks and Other Material or Personnel Handling Motorized Equipment in Construction, General Industry, and Maritime, October 1, 2018.

VII. Action Offices. Des Moines, Omaha, Wichita, Kansas City, and St. Louis Area Offices

VIII. Background. Accident Investigation Reports/ Serious Injury Reports (SIRs) indicate 14 separate Cause Codes contributed to 1,338 employer reports of accidents, 163 hospitalizations including 21 amputations and 50 fatalities (OSHA-Covered Fatalities) from FY2016-May 19, 2019. Region VII Struck-By incidents ranked as the third most frequent Cause Code (17%).

Inspections conducted under this Instruction account for nearly a third, 29.6%, of all Fatality/Catastrophic inspections in Region VII from FY 2016- May 19, 2019. This REP accounts for 22% of all safety and health inspections and 32.5% of all Complaint inspections over the sampled period. Health inspections conducted under this Instruction from FY 2016- May 19, 2019 realized a 14.6% higher Average Violation per Inspection Rate (3.22) versus the average of all health inspections over the same period (2.81).

In accordance with the Department of Labor's Strategic Plan, this Instruction addresses OSHA Strategic Objective 2.1: "Secure safe and healthful working conditions for America's workers."

IX. Inspection Scheduling and Site Selection. Area Offices will follow the procedures and the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: Establishment – Targeting Lists for Emphasis Programs.

- A. Evaluate compliance with applicable vehicle-related standards during all general industry, construction, and maritime inspections.
- B. Inspect all complaints meeting 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, 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.
- C. Schedule for inspection any referral or other complaint classified by OSHA as "Serious" which alleges a material or personnel handling motorized equipment hazard or a condition observed by the complainant within two weeks of notification to the Area Office. A hazard is determined by OSHA as Serious when 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 adopted or are in use.
- D. Deletion Criteria.
Offices will adhere to OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, in the implementation of this program.

X. Inspection Procedures. Area Offices will conduct inspections in accordance with this Instruction and the Field Operations Manual.

- A. Inspection Goals.

The Region VII Area Offices shall conduct inspections under this program 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. 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 and CPL 02-00-147.

Area Offices shall classify general industry inspections as partial inspections, unless they meet criteria outlined in the FOM, in which case Area Offices will classify inspections as comprehensive. Offices will classify any health referrals made under this Instruction as partial health inspections unless the health portion meets 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.

Offices will conduct the complaint portion of the inspection in accordance with this emphasis program. Once the Area Office completes the complaint inspection, 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.

Offices will conduct the complaint portion of the inspection in accordance with this emphasis program. Once the Area Office completes the complaint inspection, the inspection will continue if it meets the criteria for comprehensive inspection under another LEP or NEP, or the FOM.

C. Complaint and Referral Inspections.

1. Offices will inspect all complaints meeting criteria for an inspection outlined in the Field Operations Manual (FOM), alleging material or personnel handling motorized equipment hazards or conditions, 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. Offices will also schedule **any** referral or other complaint alleging a material or personnel handling motorized equipment hazard or a condition OSHA classifies as “Serious” for an inspection if the complainant observed the condition within two weeks of notification to the Area Office. A hazard is determined by OSHA to be Serious when there is substantial probability 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. Offices shall handle all other referrals or complaints alleging violative conditions related to material or personnel handling motorized equipment, not classified as Serious (as defined above), in accordance with the FOM as “phone & fax” investigations rather than inspections.
4. Offices will conduct concurrent inspections when scheduling an establishment for inspection, which has a NAICS code within the scope of another active LEP and the establishment is in the office’s jurisdiction.

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. Compliance Officers shall perform all inspections in accordance with the Field Operations Manual, CPL 02-00-163, and other inspection policies and procedures.

XI. OSHA Information System (OIS) Coding. The following will address only the changes or additions to OIS coding procedures for inspections conducted under this REP:

- A. For all inspections covered by this program, the CSHO will code OIS Inspection Report forms in the “Inspection Type” tab, under the drop down menu “Local Emphasis Program”, with “REPVEHICLE”. Offices shall also code any inspection, as noted in VII.B., comprehensive under another LEP or NEP to reflect those LEPs or NEPs.
- B. Offices will code all consultation activities (requests, visits, and compliance assistance) in the “Local Emphasis Program” field on the appropriate forms with “REPVEHICLE” where vehicle-related standards are evaluated regarding powered industrial trucks and other material or personnel handling motorized equipment in construction, general industry, and maritime.

XII. Outreach. This region shall make available upon request, an information package, including a copy of the directive, to employers, professional associations, and labor organizations. OSHA staff will discuss the REP during appropriate outreach activities

including, but not limited to, OSHA speeches, training sessions, and Area Office newsletters. As an additional resource for achieving compliance, employers will be encouraged to utilize the 21(d) Consultation Program.

- XIII. Program Report.** No later than midway through the life of the program and completion of the program, the Area Office will provide a program report of this REP to the Regional Office. At a minimum, the report should respond to the requirements of CPL 04-00-002, Section VIII, E.