



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-15-01E | **EFFECTIVE DATE:** October 1, 2018

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:** Region VII Area Offices
- References:** OSHA Instructions: CPL 02-00-160, Field Operations Manual; CPL 02-00-147, The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures; CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act; CPL 04-00-001, Procedures for Approval of Local Emphasis Programs; CPL 02-00-111, Citation Policy for Paperwork and Written Requirement Violations.
- Cancellation:** CPL 2-15-01D
- State Impact:** OSHA Compliance Assistance Programs informs Iowa OSHA
- Action Offices:** Region VII Area Offices
- Originating Office:** Kansas City Regional Office – Enforcement Programs
- Contact:** Assistant Regional Administrator for Enforcement Programs
(816) 283-8745

By and Under the Authority of:


for 
Kimberly A. Stille
Regional Administrator

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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.

Evaluate compliance with applicable vehicle-related standards during all general industry, construction, and maritime inspections.

Inspect 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, 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.

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 where 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. References.

- A. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- B. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
- 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, May 28, 1998, and (Change effective April 25, 2018, Appendix A, or most recent 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. 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.

IV. Cancellation.

This Notice cancels OSHA Regional Notice CPL 2-15-01D, Region-wide Local Emphasis Program (LEP) for Powered Industrial Trucks and Other Material or Personnel Handling Motorized Equipment in Construction, General Industry, and Maritime, November 8, 2017.

V. Action Office.

The Regional Administrator, through the Assistant Regional Administrator for Enforcement Programs, and the Area Directors shall adhere to the procedures outlined in this Notice in the scheduling of inspections under this LEP. OSHA compliance personnel shall follow the procedures contained in this Notice when conducting inspections related to this program.

The Assistant Regional Administrator for Compliance Assistance Programs (ARA-CAP) informs Iowa OSHA of the contents of this Local Emphasis Program (LEP). The ARA-CAP informs State Consultation Program Managers in the region of the contents of this LEP.

VI. Expiration Date.

This Notice expires September 30, 2019.

VII. Background.

Accident Investigation Reports indicate 14 separate Cause Codes contributed to 1,013 reports of accidents, which include employer-reported hospitalizations, amputations, fatalities, and catastrophic incidents from FY2016-2018. Struck-By incidents ranked as the third most frequent Cause Code (16%). Struck-by incidents attributed to 35 fatality victims (OSHA-Covered Fatalities) and 134 incidents of hospitalizations.

Inspections conducted on this LEP account for nearly a third, 27%, of all Fatality/Catastrophic inspections in Region VII from FY 2016-2018. This LEP accounts for 21% of all safety and health inspections and 32% of all Complaint inspections over the sampled period. Health inspections conducted under this LEP from FY 2016-2018 realized an 18% higher Average Violation per Inspection Rate (3.27) versus the average of all health inspections over the same period (2.76).

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

VIII. 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 LEP 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.

IX. 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.

1. Offices will inspect all complaints meeting the 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 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 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 alleging violative conditions related to material or personnel handling motorized equipment, not classified as Serious (as defined above), will be handled in accordance with the FOM as “phone & fax” investigations rather than inspections.
4. When an establishment is scheduled for inspection and has a SIC or NAICS code within the scope of another active LEP and in 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 and CPL 02-00-147.

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

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.

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 02-00-160, and other inspection policies and procedures.

E. Deletion Criteria.

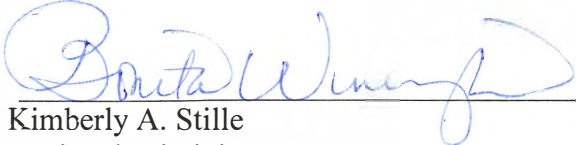
Offices will adhere to OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, in the implementation of this program.

X. OIS Coding.

- A. The Inspection Activity for all inspections conducted in establishments that are covered by this program shall be coded REPVEHICLE. Any inspection, as noted in VII.B. as comprehensive under another LEP or NEP, the coding should also 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 in the Local Emphasis Program field on the appropriate forms with "REPVEHICLE".

XI. Evaluation.

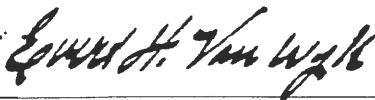
By October 30, the Kansas City Regional Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

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 Kimberly A. Stille
 Regional Administrator

9/26/2018

 (Date)



 Concurrence of the Regional Solicitors Office :

09/25/2018

 (Date)

- Distribution:
 Directorate of Enforcement Programs
 Regional Solicitor
 Regional Administrator
 Deputy Regional Administrator
 Assistant Regional Administrators
 Area Directors
 Supervisory Investigator
 Field Review Program Coordinator