



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2022-03

EFFECTIVE DATE: August 22, 2022

SUBJECT: Regional Emphasis Program for Powered Industrial Vehicles

REGIONAL IDENTIFIER: Region VIII

ABSTRACT

- Purpose:** This purpose of this Instruction is to implement a Regional Emphasis Program (REP) to reduce injuries while operating powered industrial vehicles and other material or personnel handling motorized equipment in construction and general industry.
- Scope:** This Instruction applies to all area offices within Region VIII's jurisdiction.
- Reference:** CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEP), November 13, 2018
CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995
- Cancellations:** None
- State Impact:** None
- Action Offices:** Englewood, Denver, Sioux Falls, Bismarck, and Billings Area Offices
- Originating Office:** Denver Regional Office
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By and Under the Authority of:

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EXECUTIVE SUMMARY

This Instruction describes policies and procedures for implementing a Regional Emphasis Program (REP) to reduce injuries during the operation of powered industrial vehicles (PIVs) or personnel handling motorized equipment in general industry and construction. The vehicles and personnel handling motorized equipment covered by this REP are listed in Section II. Scope.

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- I. **Purpose.** This Instruction establishes a Regional Emphasis Program (REP) for all programmed and unprogrammed inspections of workplaces where the operation of PIVs or personnel handling motorized equipment is occurring in all general industry and construction worksites. See Section II for a description of all vehicles to be covered.

- II. **Scope.** The procedures outlined in this Instruction will cover the following general industry NAICS codes and the powered industrial vehicles identified below.

- 311 – Food Manufacturing
- 321 – Wood Product Manufacturing
- 327 - Non-metallic Mineral Manufacturing
- 331 – Primary Metals Manufacturing
- 332 – Metal Fabrication
- 423 – Wholesale of Durable Goods
- 424 – Wholesale of Non-durable Goods
- 444 – Home Centers
- 484 – Truck Transportation – General and Specialized Freight
- 493 - Warehousing
- 488 – Transportation Support Operations
- 811 – Automotive Service, Maintenance and Repair

For the purposes of this REP, PIVs and personnel handling equipment includes but is not limited to skid steers, front-end loaders, aerial lifts, etc. PIVs that are ridden or controlled by a walking operator and include any mobile power-propelled truck used to carry, push, pull, lift, stack or tier materials. Golf carts or electric trucks used to transport personnel or ATVs used for grounds crews and each of the following vehicles are also included:

III. **References**

- | | |
|-------------------------------------|-----------------------------|
| High Lift trucks | Counter-balanced trucks |
| Cantilevered trucks | Rider trucks |
| Forklift trucks | High platform trucks |
| Low lift trucks | Loft lift platform trucks |
| Motorized hand trucks | Pallet trucks |
| Narrow aisle trucks | Straddle trucks |
| Reach rider trucks | Single side loader trucks |
| High lift order picker rider trucks | Motorized hand/rider trucks |
| Rough terrain trucks | Skid steer loaders |
| Aerial lifts | Scissor lifts |
| Vehicles with lift gates | |

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A. OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), April 14, 2020, or the most recent version at the time of the inspection opening conference.

B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.

C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.

D. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.

E. November 12, 2014, OSHA Memorandum: Establishments – Targeting Lists for Emphasis Programs.

F. Title 29 Code of Federal Regulations, Part 1910.

G. December 3, 2014, OSHA Memorandum: Procedures for Local and Regional Emphasis Programs.

H. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, March 9, 2022, or the most recent version at date of inspection opening conference.

IV. **Expiration Date.** This Instruction will expire August 22, 2027.

V. **Action Offices.** Englewood, Denver, Sioux Falls, Bismarck, and Billings Area Offices.

VI. **Background.**

This REP aligns strategically with OSHA's Agency Management Plan (AMP), specifically as it concerns the reduction of hazards during the operation of Powered Industrial Trucks. Powered Industrial Truck Standard (29CFR 1910.178) is by far the most cited standard in the Warehousing and Storage industry (NAICS 493) over the past three years. 29 CFR 1910.178 is consistently in the top 10 most frequently cited standards in Federal OSHA inspections. In FY20, it was ranked seventh. The number of fatalities with a primary source of injury reported as "Industrial vehicles, material hauling and transport-powered" increased from 60 in CY2017 to 95 in CY2019, based on data from the BLS Census of Fatal Occupational Injuries (CFOI).

Because of the effects of COVID-19 on the types of inspections OSHA has conducted since March 2020, OSHA does not have a current measure of PIV hazards. In FY22, OSHA will establish a baseline of PIV hazards in the Warehousing Industry (Milestone: 2-1). In FY23 OSHA will increase abatement of the hazards related to PIVs compared to the baseline average of the same hazards abated during FY22 through inspections and compliance assistance at workplaces covered by OSHA. In addition, OSHA will establish Alliances and/or Strategic Partnerships with

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warehousing companies or trade associations to approve safety and health for workers in the industry in FY22 and FY23 (Milestone: 2.2).

Many hazards which could lead to serious injury and death are associated with the operation of PIVs and personnel handling equipment. According to BLS data, 614 workers lost their lives in forklift related incidents between 2011 and 2017. In addition, more than 7,000 non-fatal injuries with days away from work occur each year. In 2017 alone, forklifts were involved in 9,050 nonfatal workplace injuries with days away from work. Of these, injuries to pedestrians resulted in the highest median number of days away from work. According to data from the National Safety Council, service providing industries had the highest number of non-fatal forklift injuries between 2011 and 2020. Jobs involving transportation and moving of materials resulted in the highest number of injuries with the majority of these being fractures.

In recent years, Area Offices throughout Region VIII have investigated numerous forklift and PIV incidents including multiple tip overs, dropped loads, crushing injuries from buckets, and struck-by incidents, with several of these resulting in fatalities.

Between January 1, 2017 and December 30, 2021, Federal OSHA issued 16,975 citations under the 29 CFR 1910.178 and 29 CFR 1926.602 standards with 11,399 of these issued as “serious”. In Region 8 during this same period, 341 citations were issued under the same standards and 14 fatal incidents occurred.

VII. Inspection Scheduling and Site Selection. The procedures and the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum entitled “Establishment – Targeting Lists for Emphasis Programs” will be followed.

- A. The following deletion criteria will be applied to all targeting lists, or inspection cycles, of establishments. (Note: the criteria used to delete any establishment must be fully documented by the Area Office.)
1. The establishment is not within the scope of the covered NAICS codes or does not operate one of the PIVs listed in the scope section of this Instruction.
 2. There is no evidence that the facility exists (e.g., no phone or internet listing; no registration with the Secretary of State; no ability to locate on Google Earth or Street View).
 3. All establishments with 10 or fewer employees. (For programmed inspections only).
 4. Establishments that have received a comprehensive inspection within the previous 60 months from the date of the current inspection cycle.
- B. No separate scheduling system will be applied for construction inspections. Rather, all vehicles listed above will be inspected on every programmed or unprogrammed construction inspection where they are present, regardless of the number of employees.

- C. Unprogrammed Inspections. Inspect all complaints and referrals classified as “serious” and 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 that may be a violation of the powered industrial truck standard or a potentially fatal “struck/caught/crushing/fall hazard” associated with the operation of a PIV (e.g., struck by falling load, struck against, caught between, caught in, or fall hazard) in general industry or construction. Such hazards may be violations of the powered industrial truck standard, the general duty clause, or other related standards. 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. During any programmed or un-programmed inspection where PIV operations are observed, the inspection will be expanded to address potential hazards associated with these operations.
- E. 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 non-formal inquiries rather than inspections.

VIII. Inspection Procedures. Inspections will be conducted in accordance with this Instruction and the FOM.

- A. Inspection Goals: The Region VIII 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 and construction inspections. Inspections of all General Industry and Construction worksites utilizing PIVs will be expanded to include PIV hazards and equipment.
- B. Inspection Scope:
 - 1. The inspection will address all complaint or referral items, evaluation of any hazards and equipment associated with PIV operations at the site, all aspects of 29 CFR 1910 Subpart N related to material or personnel handling with motorized equipment, collection of OSHA 300 data for the previous three years plus the current year, an evaluation of the employer’s safety and health program in accordance with the FOM, an evaluation of safety and health hazards at the employer’s loading dock or other designated loading and unloading areas where powered industrial vehicles are used (including loading docks, shipping and receiving areas, yard areas, and other locations where vehicles are loaded and unloaded).

2. 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.
3. During any programmed or un-programmed inspection where PIV operations are observed, the inspection will be expanded to address hazards associated with these operations.
4. Offices will conduct the complaint or referral portion of construction inspections in accordance with this emphasis program. Once the Area Office completes the complaint or referral 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).
5. Offices will conduct concurrent inspections when scheduling an establishment for inspection, which has a NAICS code within the scope of another active emphasis program and the establishment is in the office's jurisdiction.
6. Compliance with 29 CFR 1910 Subpart N, 1926.601, 1926.602, 1926 Subpart C, general duty clause and any other relevant standards, as applicable, shall be evaluated during all general industry, and construction inspections, where PIVs and similar equipment is in use. The review of records shall include attention to injuries related to industrial vehicles and similar equipment use and "struck-by" hazards. Compliance Officers shall perform all inspections in accordance with the Field Operations Manual, CPL 02-00-164, and other inspection policies and procedures.

IX. OIS Coding. Inspections conducted under this REP will be identified in the OSHA Information System (OIS). Current instructions for completing the appropriate inspection classification boxes on the OIS Inspection Form will be followed:

- A. The OIS Inspection Form for any programmed inspection scheduled under the procedures in this REP shall be marked "Programmed Planned" in the Initiating Type block and the word "PIV8" shall be recorded in the LEP block.
- B. The OIS Inspection Form for any unprogrammed inspection scheduled under the provisions of the FOM relating to formal complaints, referrals requiring inspection, imminent danger, and fatality/catastrophe investigations will be coded as normally required under the FOM. In addition, the designation of "PIV8" will be recorded in the Local Emphasis Program block.
- C. Inspections under this REP will typically be labeled as "Partial" in OIS.

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D. Inspections will be coded as “safety”.

- X. **Outreach.** At least 90 days prior to initiating inspections, . 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.

- XI. **Program Report.** No later than midway through the life of the program, the Regional Office will prepare a program report of this REP. The Regional Office will provide the National Office with one report of this REP. At a minimum, the report should respond to the requirements of CPL 04-00-002, Section VIII, E.

- XII. **Distribution.** Directorate of Enforcement Programs
Regional Office of the Solicitor

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