



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 23-03

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**SUBJECT:** Regional Emphasis Program for Powered Industrial Vehicles

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**REGION:** Region VIII

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**SIGNATURE DATE:** July 17, 2023

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**EFFECTIVE DATE:** July 17, 2023

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## 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 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:** CPL 2022-03

**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 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.

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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 powered industrial vehicles 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 cover the powered industrial vehicles mentioned 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
- 484 – Truck Transportation – General and Specialized Freight
- 488 – Transportation Support Operations
- 811 – Automotive Service, Maintenance and Repair

For the purposes of this REP, powered industrial vehicles (PIV) and personnel handling equipment will include skid steers, front-end loaders, earth moving equipment that was designed to move earth and has been modified to accept forks, aerial lifts, etc.) Powered industrial vehicles 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.

- High lift trucks
- Cantilevered trucks
- Forklift trucks
- Low lift trucks
- Motorized Hand trucks
- Narrow aisle trucks
- Reach rider trucks
- High lift order picker rider trucks
- Rough terrain trucks
- Aerial lifts
- Vehicles with lift gates

Counter-balanced trucks  
Rider trucks  
High platform trucks  
Loft lift platform trucks  
Pallet trucks  
Straddle trucks  
Single side loader trucks  
Skid steer loaders  
Scissor lifts

**III. References.**

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 July 17, 2028.

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

**VI. Background.**

The purpose of 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 commonly cited standard in the Warehousing and Storage industry (NAICS 493) over the past three years. 29CFR 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 CY 2017 to 95 in CY 2019, 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 of 2020, OSHA does not have a current measure of powered industrial truck hazards. In FY2022, OSHA will establish a baseline of powered industrial truck hazards in the Warehousing Industry (Milestone: 2-1). In FY 2023 OSHA will increase abatement of the hazards related to powered industrial trucks compared to the baseline average of the same hazards abated during FY 2022 through inspections and compliance assistance at workplaces covered by OSHA. In addition, OSHA will establish Alliances and/or Strategic Partnerships with warehousing companies or trade associations to improve safety and health for workers in the industry in FY 2022 and FY 2023 (Milestone: 2.2).

Many hazards which could lead to serious injury and death are associated with the operation of powered industrial vehicles and personnel handling equipment. According to BLS data, from 2011 to 2017, 614 workers lost their lives in forklift related incidents. More than 7000 non-fatal injuries with days away from work also 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. The National Safety Council data for forklift injuries from 2011-2020 shows that the service providing industries have the highest number of non-fatal injuries. Jobs involving transportation and moving of materials resulted in the highest number of injuries with the majority of these being fractures.

In recent years, the Englewood Area Office has investigated numerous forklift and powered industrial vehicle incidents including multiple tip overs, dropped loads, crushing injuries from buckets, and struck-by incidents, with several of these resulting in fatalities.

From January 1, 2017, to 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 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: 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.
  - 1. The establishment is not within the scope of the covered NAICS codes or does not operate one of the powered industrial vehicles 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. Establishments that have received a comprehensive inspection within the previous 60 months from the date of the current inspection cycle.

The criteria used to delete any establishment must be fully documented by the area office.

- B. No separate scheduling system will be applied for construction inspections. Rather, all vehicles listed below 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 powered industrial vehicle (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 powered industrial vehicles will be expanded to include powered industrial vehicle 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. B.

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 powered industrial vehicles 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 02-00-164, 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.
- D. Inspections will be coded as “safety”.
- X. **Outreach.** At least 90 days prior to initiating inspections, outreach activities will include mailing a copy of the directive, to employers, professional associations, and labor organizations upon request. 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