

Ex. 13
ACCSA1995-2

Powered Industrial Trucks Workgroup

The workgroup met on 5-25-95 to discuss the applicability of the proposed rule for general industry on Powered Industrial Trucks as it would relate to the construction industry. In attendance was Steve Cloutier, Bernice Jenkins, Stew Burkhammer, Jack Pompeii and Bill Smith.

The workgroup did a line by line review of the proposed rule and developed what we believe to be a fair and feasible standard for the construction industry.

We basically used the current industry consensus standard and modified it to reflect the construction industry environment while at the same time trying to stay consistent with the general industry proposal.

This workgroup recommends that the full committee approve the new proposal on Powered Industrial Trucks for the Construction Industry and present to the Department of Labor for review and publication in the Federal Register for public comment.

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***Powered* *Industrial* *Truck* Operator Training**

Vol. 60, No. 049

Part II

60 FR 13782

Tuesday, March 14, 1995

AGENCY: DEPARTMENT OF LABOR (DOL): Occupational Safety and Health Administration (OSHA)

DOC TYPE: Proposed Rules

CFR: 29 CFR Part 1926

NUMBER: Docket No. S-008

DATES: Written comments and requests for a hearing on this proposed rule must be postmarked by July 12, 1995.

CONTACT: FOR FURTHER INFORMATION CONTACT: Mr. Richard P. Liblong, Office of Information and Consumer Affairs, U.S. Department Labor, Occupational Safety and Health Administration, Room N3641; 200 Constitution Avenue, N.W.; Washington, D.C. 20210 (202-219-8148).

ADDRESSES: Comments, information, and hearing requests should be sent in quadruplicated to: Docket Office, Docket No. S-008; Room N2624; U.S. Department of Labor, Occupational Safety and Health Administration; 200 Constitution Avenue, N.W.; Washington, D.C. (202-219-7894).

ACTION: Proposed rule.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is proposing to revise the general industry safety standard for training powered industrial truck operators and to add equivalent training requirements for the maritime industries. The existing standard in part 1910 requires that only trained operators who are authorized to do so can operate powered industrial trucks and that methods of training be devised. The proposed training requirements would mandate the development of a training program that would base the amount, type, degree, and sufficiency of training on the knowledge of the trainee and the ability of the vehicle operator to acquire, and use the knowledge and the skills and abilities and that are necessary to safely operate the truck. A periodic evaluation of each operator's performance would be required. Refresher or remedial training also would be required, based primarily on unsafe operation, or an accident or expiration of certification.

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WORK COUNT: 49,269

TEXT:

SUPPLEMENTARY INFORMATION:

I. Background

a. The General Industry Standard

On May 29, 1971 (36 FR 10466), OSHA adopted some of the existing Federal standards and National consensus standards as OSHA standards under the procedures described in section 6(a) of the Occupational Safety and Health Act (OSH Act) (29 U.S.C. 655, et.al.). Section 6(a) permitted OSHA to adopt, without rulemaking, within 2 years of the effective date of the Act, any established Federal standard or national consensus standard.

One of the consensus standards that was adopted under the 6(a) procedure was the American National Standards Institute (ANSI) B56.1-1969 Safety Standard for Powered Industrial Trucks. Among the provisions adopted from the standards was the operator-training requirement codified at 29 CFR 1910.178(1), which states:

Only trained and authorized operators shall be permitted to operate a powered industrial truck. Methods of training should be devised to train operators in the safe operation of powered industrial trucks.

In that consensus standard, a powered industrial truck is defined as a mobile, power-driven vehicle used to carry, push, pull, lift, stack, or tier material. One truck may be known by several different names. Included are vehicles that are commonly referred to as high lift trucks, counterbalanced trucks, cantilever trucks, rider trucks, forklift trucks; high lift trucks, high lift platform trucks; low lift trucks, low lift platform trucks; motorized hand trucks, pallet trucks; narrow aisle rider trucks, straddle trucks; reach rider trucks; single side loader rider trucks; high lift order picker rider trucks; motorized hand/rider trucks; or counterbalanced front/side loader lift trucks. Excluded from the scope of the OSHA standard are vehicles used for earth moving or over-the-road haulage.

In addition, in accordance with established policy codified at 29 CFR 1910.5(2), OSHA has applied its general industry regulations to shoreside activities not covered by its older longshoring rules. Citations also have been issued under section 5(a)(1) (the General Duty Clause) of the OSH Act (84 Stat. 1593; 29 U.S.C. 654), since some serious hazards are not addressed by the requirements of part 1910, 1915, or 1918.

On July 5, 1983 (48 FR 30886), OSHA published its final standards for Marine Terminals. These rules were intended to address the

shoreside segment of marine cargo handling. Section 1917.27
Personnel required that:

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4.18 Operator qualifications

Only trained and authorized persons shall be permitted to operate a powered industrial truck. Operators of powered industrial trucks shall be qualified as to visual, auditory, physical, and mental ability to operate the equipment safely according to 4.19 and all other applicable parts of Section 4.

4.19 Operator Training

4.19.1 Personnel who have not been trained to operate powered industrial trucks may operate a truck for the purposes of training only, and only under the direct supervision of the trainer.

4.19.3 The training program shall inform the trainee that:

(a) The primary responsibility of the operator is to use the powered industrial truck safely following the instructions given in the training program.

(b) Unsafe or improper operation of a powered industrial truck can result in: death or serious injury to the operator or others; damage to the powered industrial truck or other property.

(c) Fundamentals of the powered industrial truck(s) training will include:

(1) Characteristics of the powered industrial truck(s), including variations between trucks in the workplace;

(2) significance of nameplate data, including rated capacity, warnings, and instructions affixed to the truck;

(3) operating instructions and warnings in the operating manual for the truck, and instructions for inspection and maintenance to be performed by the operator;

(4) type of motive power and its characteristics;

(5) method of steering;

(6) braking method and characteristics, with and without load;

(7) visibility, with and without load, forward and reverse;

(8) load handling capacity, weight and load center.

(9) stability characteristics with and without load, with and without attachments;

(10) controls-location, function, method of operation, identification of symbols;

(11) load handling capabilities; forks, attachments;

(12) fueling and battery charging;

(13) guards and protective devices for the specific type of truck;

(14) other characteristics of the specific industrial truck.

(15) Operating environment and its effect on truck operation.

(16) floor or ground conditions including temporary conditions; and elevator usage;

(17) ramps and inclines, with and without load;

(18) Use of wheel chocks, jacks and other securing devices.

(19) trailers, railcars, and dockboards

(20) the use of :classified: trucks in areas classified as hazardous due to risk of fire or explosion, as defined in ANSI/NFPA 505;

(21) narrow aisles, doorways, overhead wires and piping, and other areas of limited clearance;

(22) areas where the truck may be operated near other powered industrial trucks, other vehicles, or pedestrians;

(23) operation near edge of dock room, platform or edge of work surface;

(24) other special operating conditions and hazards which may be encountered.

(25) proper preshift inspection;

(26) parking and shutdown procedures;

(d) training practice shall include the actual operation or simulated performance of all operating tasks such as load handling, maneuvering, traveling, stopping, starting, and other activities under the conditions which will be encountered in the use of the truck.

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(1) During training, performance and oral and/or written tests shall be given by the employer or certifier to measure the skill and knowledge of the operator in meeting the requirements of the Standard. Employers or certifier shall establish a pass/fail requirement for such tests. Appropriate records shall be kept.

(2) Operators shall go through refresher training when and accident occurs, unsafe operations are observed, (or during the experience of certification.)

(3) The Certified Operator shall be responsible for the safe use of the powered industrial truck.

(4) The employer shall be responsible for enforcement of the provision of the standard.

Note: Information on operator training is available from such sources as powered industrial truck manufacturers, government agencies dealing with employee safety, trade organizations of users of powered industrial trucks, public and private organizations, and safety consultants.

(i) Sufficient evaluation and remedial training shall be conducted so that the employee retains and uses the knowledge, skills and ability needed to operate the powered industrial truck safely.

(ii) An evaluation of the performance of each powered industrial truck operator shall be conducted at least annually by a designated person.

(iii) Refresher or remedial training shall be provided when there is reason to believe that there has been unsafe operation, when an accident or a near-miss occurs or when a evaluation indicates that the operator is not capable of performing the assigned duties.

(E) Certification.

(i) The employer shall certify that each operator has received the training, has been evaluated as required by this paragraph, and has demonstrated competency in the performance of the operator's duties. The certification shall include the name of the trainee, the date of training, and the signature of the person performing the training and evaluation.

(ii) The employer shall retain the current training materials and course outline or the name and address of the

person who conducted the training if it was conducted by an outside trainer.

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(F) Avoidance of Duplicative Training.

(i) Each current truck operator who has received training in any of the elements specified in paragraph (1)(3) of this section for the types of trucks the employee is authorized to operate and type workplace what the trucks are being operated in need not be retrained in those elements if the employer certifies in accordance with paragraph (1)(5)(i) of this section that the operator has been evaluated to be competent to perform those duties.

(ii) Each new truck operator who has received training in any of the elements specified in paragraph (1)(3) of this section for the types of trucks the employee will be authorized to operate and the type of workplace in which the trucks will be operated need not be retrained in those elements before initial assignment in workplace if the employer has written documentation of the training and if the employee is evaluated pursuant to paragraph (1)(4) of this section to be competent.

Note to paragraph (1): Appendices A and B at the end of this section provide non-mandatory guidance to assist employers in implementing this paragraph (1).

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Appendixes to 31910.178

Appendix A-Training of Powered Industrial Truck Operators
(Non-mandatory appendix to paragraph (1) of this section)

A-1. Operator Selection