



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: KCM-CPL-04-00-003

SUBJECT: Regional Emphasis Program (REP) for Powered Industrial Trucks and Other Material or Personnel Handling Motorized Equipment in Construction, General Industry, and Maritime

REGION: Kansas City (KCM)

SIGNATURE DATE: September 20, 2024

EFFECTIVE DATE: October 1, 2024

ABSTRACT

- Purpose:** This Instruction continues a Regional Emphasis Program (REP) for inspecting complaints and referrals received which address powered industrial trucks and other material or personnel handling motorized equipment in construction, general industry, and maritime.
- Scope:** This Instruction applies to the Kansas City Region Area Offices
- References:**
- OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), April 14, 2020, 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.
- Cancellations:** This Instruction cancels CPL 02-15-01F, 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, 2019.
- State Impact:** No Impact
- Action Offices:** Kansas City Region Area Offices

Originating Office: Kansas City Regional Office

Contact: Assistant Regional Administrator for Enforcement Programs
2300 Main Street, Suite 10030
Kansas City, Missouri 64108
(816) 283-8745

By and Under the Authority of:

Billie A. Kizer, MPH, CSP
Regional Administrator

Executive Summary

This Instruction continues a 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 address hazards, ensure facilities are evaluated to determine if the employer complies with all relevant OSHA requirements, and help employers correct hazards, thereby potentially reducing injuries, illnesses, and worker deaths.

Significant Changes

This Instruction cancels OSHA Regional Notice CPL 02-15-01F, 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, 2019.

Table of Contents

I. Purpose.	1
II. Scope.....	1
III. References.....	1
IV. Cancellations.....	2
V. Action Offices.	2
VI. Federal Program Change.....	2
VII. Significant Changes.	2
VIII. Expiration.....	2
IX. Background.	2
X. Inspection Scheduling and Site Selection.....	3
XI. Inspection Procedures.	3
XII. OSHA Information System (OIS) Coding.	5
XIII. Outreach.....	5
XIV. Program Report.	5

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 Kansas City Region Area Offices (Omaha, Wichita, Kansas City, and St. Louis). All inspections conducted under this directive will be conducted following the FOM. This Instruction intends 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 all general industry, construction, and maritime inspections.

III. References.

- A. OSHA Instruction CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs (LEPs), November 13, 2018; https://www.osha.gov/sites/default/files/enforcement/directives/CPL_04-00-002_0.pdf
- B. OSHA Instruction CPL 02-00-164, Field Operations Manual, April 14, 2020, or successor guidance; <https://www.osha.gov/enforcement/directives/cpl-02-00-164>
- C. OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Requirement Violations, November 27, 1995; https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-00-111.pdf
- D. OSHA Instruction CPL 02-00-170, Enforcement Exemptions and Limitations under the Annual Appropriations Act, July 18, 2024, or successor guidance; <https://www.osha.gov/sites/default/files/enforcement/directives/cpl-02-00-170.pdf>
- E. OSHA Instruction CPL 02-00-147, The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures, February 11, 2008; https://www.osha.gov/sites/default/files/enforcement/directives/CPL_02-00-147.pdf
- F. OSHA Memorandum from James W. Stanley, Focused Inspections in Construction, revised September 20, 1995; <https://www.osha.gov/laws-regs/standardinterpretations/1994-08-22-0>
- G. OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014;

<https://www.osha.gov/memos/2014-11-12/establishment-targeting-lists-emphasis-programs>

IV. Cancellations.

This Instruction cancels OSHA Regional Notice CPL 02-15-01F, 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, 2019.

V. Action Offices.

- A. Responsible Office. The Omaha, Wichita, Kansas City, and St. Louis Area Offices are responsible for the functions covered by this Instruction.
- B. Action Office. The Omaha, Wichita, Kansas City, and St. Louis Area Offices are affected by this instruction and are expected to act.
- C. Information Offices. The Kansas City Region Area Offices need to be notified of the issuance of this directive.

VI. Federal Program Change.

This instruction has no impact on State Plans. However, they are encouraged to adopt this program or a similar program.

VII. Significant Changes.

This Instruction cancels OSHA Regional Notice CPL 02-15-01F, 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, 2019.

VIII. Expiration.

This Instruction will expire on September 30, 2029

IX. Background.

Accident Investigation Reports/ Serious Injury Reports (SIRs) indicate 14 separate Cause Codes contributed to 1,207 employer reports of accidents, and 702 hospitalizations including 500 amputations and one fatality (OSHA-Covered fatalities) from FY 2019 - May 19, 2024. Region VII Struck-By incidents ranked as the second most frequent Cause Code (34.5%). Per 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."

Inspections under this Instruction account for almost half, 45%, of all Fatality/Catastrophic inspections in Region VII from FY 2019- May 19, 2024. This REP accounts for 26.4% of all safety and health inspections and 38.3% of all Complaint inspections over the sampled period. Per the Department of Labor's Strategic Plan, this Instruction addresses OSHA's Strategic Objective 2.1: "Secure safe and healthful workplaces, particularly in high-risk industries."

X. 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 violate 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 hazardous material or personnel handling motorized equipment 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 a substantial probability that death or serious physical harm could result from an existing condition, or one or more practices, means, methods, operations, or processes adopted or are in use.
- D. Deletion Criteria. Offices will follow OSHA Instruction CPL 02-00-170, Enforcement Exemptions and Limitations under the Annual Appropriations Act when implementing this program.

XI. Inspection Procedures.

Area Offices will conduct inspections following this Instruction and the Field Operations Manual.

A. Inspection Goals.

The Region VII Area Offices shall conduct inspections under this program following the approval date. Compliance Safety and Health Officers (CSHOs) will evaluate compliance with all OSHA 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 per the FOM and OSHA Instruction CPL 02-00-147, The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures.

Area Offices shall classify general industry inspections as partial inspections unless they meet criteria outlined in the FOM, in which case 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 the comprehensive inspection criteria under another Local Emphasis Program (LEP), National Emphasis Program (NEP), or the FOM.

2. Construction Inspections.

The inspection will address all complaints, collect OSHA 300 data for the previous three years, and evaluate the employer's safety and health program under the FOM.

Offices will conduct the complaint portion of the inspection following this emphasis program. Once the Area Office completes the complaint inspection, the inspection will continue following the OSHA Memorandum from James W. Stanley, [Focused Inspections in Construction](#), revised September 20, 1995 (covering the focused four construction hazards of falls, struck-by, crushed-by, and electrocutions).

3. Maritime Inspections.

CSHOs will address all complaints, collect OSHA 300 data for the previous three years, and evaluate the employer's safety and health programs per the FOM.

Offices will conduct the complaint portion of the inspection following 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, NEP, or 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 violate 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. OSHA determines a hazard to be Serious when there is a substantial probability of death or serious physical harm that could result from an existing condition, or from one or more practices, means, methods, operations, or processes that 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), following the FOM as "phone & fax" investigations rather than inspections.
 4. Offices will conduct concurrent inspections when scheduling an establishment for inspection, that 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, where industrial trucks and similar equipment is in use. The review of the records shall include attention to injuries related to industrial trucks and similar equipment use and "struck-by" hazards. Compliance Officers shall perform all inspections following the OSHA Instruction CPL 02-00-164, Field Operations Manual, and other inspection policies and procedures.

XII. OSHA Information System (OIS) Coding.

The following information addresses OIS coding changes or additions 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.

XIII. Outreach.

This region shall make a copy of the directive and an information package available to employers, professional associations, and labor organizations on request. OSHA staff will discuss the REP during appropriate outreach activities including, but not limited to, OSHA speeches, training sessions, and Area Office newsletters. Employers will be encouraged to utilize the 21(d) Consultation Program as an additional resource for achieving compliance.

XIV. Program Report.

No later than midway through the program's life and at the program's completion, the Area Office will provide a REP program report to the Regional Office. At a minimum, the

report should respond to the requirements of [CPL 04-00-002](#), Procedures for the Approval of Local Emphasis Programs (LEPs), Section VIII, E.