
LEGAL ALERT

OSHA Ramps Up Inspections Of Forklift Hazards

On June 16, 2011 the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) announced a new regional inspection program focused on reducing fatalities and serious injuries related to powered industrial trucks and forklifts. This program will examine employers' compliance with OSHA's powered industrial trucks standard and related hazards in Alabama, Georgia, Florida and Mississippi.

In its press release, OSHA's Regional Administrator for Region 4 in Atlanta, Cindy Coe, stated that "powered industrial trucks are a significant source of serious and fatal injuries to workers." The program will focus primarily on warehouses and service companies, but inspectors conducting complaint inspections or site-specific targeting inspections will also be looking for violations and deficiencies of OSHA's powered industrial trucks standard.

The Focus Of The Program

The inspections will primarily focus on training received by operators, maintenance and repair, and the pathways the trucks travel to ensure clear visibility in determining any possible "struck by" hazards. Investigators have been instructed to ensure that the operators of the forklifts and powered industrial trucks have received training for the specific vehicle they are operating, and if the operator has been re-evaluated every three years as required by the standard. Employers who operate different types of forklifts and powered industrial trucks within their facilities will need to ensure that the employees operating those vehicles have received the appropriate training for that vehicle, and related hazards associated with operating forklifts or powered industrial trucks.

Inspectors will also be examining the vehicles themselves to ensure that they have the appropriate load plates and that the safety equipment on the vehicle is operating correctly. In addition to examining the shift pre-operation inspection checklist, investigators will determine whether the company has a procedure in place to correct equipment defects and problems that are identified, as well as procedures to place the equipment



out of service. Finally, investigators will be observing forklift operations and interviewing employees to determine if the operating, traveling and loading requirements of the standard are being violated.

While the press release notes that the emphasis program will look not only to general industry but to maritime and construction, we anticipate that most of the inspections will be in general industry. In addition to operator training, the OSHA inspector will also be examining whether or not the equipment, if modified, has the appropriate manufacturer's approval. Finally, investigators will examine how fuel handling and storage is performed as well as the changing and charging of storage batteries within the vehicles themselves.

This program will cover all types of powered industrial trucks, including fork trucks, tractors, platform lift trucks, motorized hand trucks, and other specialized industrial trucks powered by electrical motors or internal combustion engines. The program will continue, unless extended, until September 30, 2012.

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Our Advice

Employers need to ensure that they are fully compliant with all the requirements of OSHA's powered industrial trucks standard. The standard presents numerous opportunities for failure to comply, and it only takes one untrained employee or instance of not "evaluating the employee after instruction," or a single incident of a disabled horn or alarm, missed daily inspection, or improper modification of the equipment to constitute a serious violation.

Companies with multiple locations face a high risk of repeat violations over a five-year period after a citation has been issued at any

one of its facilities. OSHA's powered industrial truck standard is one of the most frequently cited standards by OSHA year after year. This new heightened enforcement effort will clearly increase the number of citations for violation of the powered industrial truck standard.

For more information, visit the Fisher & Phillips website at www.laborlawyers.com. For help with ensuring that you are in compliance or for advice concerning the OSHA industrial powered standard or any other OSHA standard, contact your regular Fisher & Phillips attorney or any of the lawyers in our Workplace Safety and Catastrophe Management Group.

This Legal Alert provides an overview of a specific federal program. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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