

## 06-03; Deletions of a Powered Industrial Trucks Standard Covering the Use of Powered Industrial Trucks to Lift Personnel

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### SAFETY BULLETIN #6-03

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Deletions of a Powered Industrial Trucks Standard Covering the Use of Powered Industrial Trucks to Lift Personnel  
29CFR 1910.178 (e)

### INFORMATION

Occupational Safety and Health Administration (OSHA), Department of Labor, has issued a technical amendment which deletes a Powered Industrial Trucks Standard covering the use of powered industrial trucks to lift personnel, 29CFR1910.178 (e). It is being deleted because it was invalidly promulgated from a non-mandatory provision of a national consensus standard.

The preamble to that final rule contained the following statement:

I do hereby designate as national consensus standards those standards in Part 1910 which are standards adopted and promulgated by either the American National Standards Institute (ANSI) or the National Fire Protection Association (NFPA). The national consensus standards contain *only mandatory provisions* of the standards promulgated by those two organizations. *The standards of ANSI and NFPA may also contain advisory provisions and recommendations the adoption of which by employers is encouraged, but they are not adopted in Part 1910.* (36 FR 10466) (Emphasis added).

Thus, the standards adopted on May 29, 1971 were intended to include only the mandatory provisions of the relevant ANSI and NFPA standards.

The American National Standard for Powered Industrial Trucks, ANSI B56.1-1969, was one of the national consensus standards that the Agency adopted under section 6(a). That ANSI standard was the source standard for 29 CFR 1910.178(e) through (p), the relevant paragraphs of OSHA's Powered Industrial Trucks Standard.

Paragraph (m)(12) of § 1910.178, as it was published in May 1971 and as it still appears today, reads as follows:

Whenever a truck is equipped with vertical only, or vertical and horizontal controls elevatable with the lifting carriage or forks for lifting personnel, the following additional precautions *shall be taken* for the protection of personnel being elevated.

- (i) Use of a safety platform firmly secured to the lifting carriage and/or forks.
- (ii) Means *shall be provided* whereby personnel on the platform can shut off power to the truck.
- (iii) Such protection from falling objects as indicated necessary by the operating conditions *shall be provided* [Emphasis added.]

The requirement thus appears as a mandatory provision of OSHA's Powered Industrial Truck Standard.

The corresponding provision in the base standard, ANSI B56.1-1969, was contained in section 604L, which read as follows:

Whenever a truck is equipped with vertical only, or vertical and horizontal travel controls elevatable with the lifting carriage or forks for lifting personnel, the following additional precautions ***should be taken*** for the protection of personnel being elevated.

- (a) Use of a safety platform firmly secured to the lifting carriage and/or forks
- (b) Provide means whereby personnel on the platform can shut off power to the truck
- (c) Provide such protection from falling objects as indicated necessary by the operating conditions. [Emphasis added.]

**DATES:** This final rule becomes effective on July 2, 2003.

### ACTION

All Employers and Supervisors should be aware of the change in this provision.