

# U.S. Department of Labor

Occupational Safety and Health Administration  
Washington, D.C. 20210



October 22, 1999

Mr. Dennis C. Humphreys  
Department of Energy  
Richland Operations Office  
P.O. Box 550, R-3-78  
Richland, Washington 99352

Dear Mr. Humphreys:

Thank you for your June 1, 1999 letter to Mr. Art Buchanan, Director, Office of General Industry Compliance Assistance, regarding powered industrial truck safety. You request compliance assistance regarding the practice of "free rigging" off the tines of a forklift for a below-the-tine lift. We appreciate the opportunity to provide you with clarification on this matter.

Free rigging is the direct attachment to or placement of rigging equipment (slings, shackles, rings, etc.) onto the tines of a powered industrial truck for a below-the-tines lift. This type of lift does not use an approved lifting attachment.

Although free rigging is a common practice, it could affect the capacity and safe operation of a powered industrial truck. 29 CFR 1910.178(a)(4) requires that "Modifications and additions which affect the capacity and safe operation shall not be performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly." In addition, 1910.178(o)(1) requires that "Only stable or safely arranged loads shall be handled. Caution shall be exercised when handling off-center loads which cannot be centered."

Employers must seek written approval from powered industrial truck manufacturers when modifications and additions affect the capacity and safe operation of powered industrial trucks. However, if no response or a negative response is received from the manufacturer, OSHA will accept a written approval of the modification/addition from a Qualified Registered Professional Engineer. A Qualified Registered Professional Engineer must perform a safety analysis and address any safety and/or structural issues contained in the manufacturer's negative response prior to granting approval. Machine data plates must be changed accordingly. Of course, the use of an approved attachment to make lifts would be a viable alternative for an employer who does not seek written approval from a manufacturer or a Qualified Registered Professional Engineer.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. Please be aware that OSHA's enforcement guidance is subject to periodic review and clarification, amplification, or correction. Such guidance could also be affected by subsequent rulemaking. In the future, should you wish to verify that the guidance provided herein remains current, you may consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please contact the Office of General Industry Compliance Assistance at (202) 693-1850.

Sincerely,

Richard E. Fairfax, Director  
Directorate of Compliance Programs