

U.S. Department of Labor

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



May 9, 2000

Mr. Daniel P. Freed
Associated Wholesalers, Inc.
Route 422 East
Robesonia, PA 19551

Dear Mr. Freed:

Thank you for your April 6, 2000 letter to the Occupational Safety and Health Administration's (OSHA's) Office of Public Affairs. Your letter has been referred to the Office of General Industry Compliance Assistance (GICA) for answers regarding your Powered Industrial Truck safety checklist. Your specific question has been restated below for clarity.

Background: Your employees are required to complete a powered industrial truck safety checklist in writing before the start of each shift. Employees contest your required checklist because they feel it is unnecessary. You feel that the checklist is in full compliance with §1910.178(q)(7) and it is within your rights to require employees to fill out the checklist prior to shift start.

Question: Is this understanding correct?

Response: §1910.178(q)(7) requires powered industrial trucks to be examined before being placed in service. They must not be placed in service if the examination shows any conditions adversely affecting the safety of the vehicle. Although the standard requires that the examination be conducted, there is no OSHA requirement that the examination be recorded in writing on a checklist such as the one you provided. However, as an employer it is well within your rights to implement additional safety practices that go beyond OSHA's requirements such as the completion of your written checklist. Please be advised that, based on the facts provided, OSHA cannot determine whether or not your examination covers all the adverse conditions affecting the safety of the powered industrial trucks at your specific workplace.

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 contained in this response represents the views of OSHA at the time the letter was written based on the facts of an individual case, question, or scenario and is subject to periodic review and clarification, amplification, or correction. It could also be affected by subsequent rulemaking; past interpretations may no longer be applicable. 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 feel free to contact the Office of General Industry Compliance Assistance at (202) 693-1850.

Sincerely,

Richard E. Fairfax, Director
Directorate of Compliance Programs