

U.S. Department of Labor

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



June 12, 1975

Mr. Allan Harvie
Deputy Director
Michigan Department of Labor
300 East Michigan Avenue
Lansing, Michigan 48926

Dear Mr. Harvie:

This is in reference to a request for a variance from Section 1910.178(e)(1) Powered Industrial Trucks - Safety Guards, of the Occupational Safety and Health Standards, that has been received by the Division of Variance Determination. The request was submitted by The Kroger Company, 30405 Industrial Road, Livonia, Michigan 48150.

We are forwarding this application and a copy of our response for your information. This employer has indicated that he has not been inspected by either Federal or State Compliance Officers.

Section 1910.178(e)(1) requires that overhead guards be installed on High Lift Rider Trucks unless operating conditions do not permit. This employer contends that operating conditions do not permit him to utilize overhead guards. If this is true, his trucks would be exempted from the requirements for overhead guards, while being used in low overhead locations. Trucks used in other areas would be required to have overhead guards. This could be accomplished by assigning certain trucks for use in each area, or by the use of overhead guards which flip back or tilt to the side. There is a proposal being developed by our Office of Standards Development to authorize the use of powered industrial trucks without overhead guards when the lift is restricted to a specific height. This height restriction will eliminate the overhead hazard for the operator. However, an overhead guard will be required when the product in transport creates a hazard for the operator. At these times, the flip back or tilt to the side guard could be utilized.

The above information is for your guidance. If we can be of further assistance, please contact my office.

Sincerely,

Barry J. White
Associate Assistant Secretary for Regional Programs