

U.S. Department of Labor

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



March 8, 2002

Mr. Brian McGuinness
Safety & Health Consultant
CORE Safety Network
209 Congress Street
West Salem, OH 44287-9561

Dear Mr. McGuinness:

Thank you for your June 19, 2000 letter to the Occupational Safety and Health Administration's (OSHA's) Directorate of Compliance Programs (DCP). This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any questions not delineated within your original correspondence. You had specific questions regarding clarification of powered industrial truck issues in 29 CFR 1910.178, **Powered Industrial Trucks**.

Please accept our apology for the delay in responding to your letter. However, as you were advised by telephone, the response to your letter required extensive research, and several levels of departmental review, including legal analysis.

Question: Are safety platforms attached to the forks of a forklift considered aerial lifts?

Reply: No, Aerial devices (aerial lifts) are covered under §1910.67, **Vehicle-mounted Elevating and Rotating Work Platforms**. An aerial device is any vehicle-mounted device that telescopes, articulates or both, which is used to position personnel. A platform attached to the forks of a forklift would not be considered an aerial lift.

Question: Are workers required to wear fall protection (full body harness and lanyard) when they are up in a safety platform that has a standard guardrail, mid-rail and toe plate?

Reply: No, personal fall protection equipment would not be required when a guardrail system is installed along the open sides of the safety platform.

Question: Question three was removed with permission from Ron Guidetti, President, CORE Safety Network.

Reply: No Response Required.

Question: Are employers still required to use a seat belt retrofit program, or are lift trucks manufactured without seatbelts exempt from the seat belt requirements listed in ANSI B56.1-1969?

Reply: Generally, OSHA may cite an employer for the lack of seatbelt use on powered industrial trucks, when the Agency can document that an employer has been specifically notified about and offered a retrofit program by the manufacturer but has not retrofitted an applicable powered industrial truck. The decision to issue a citation will be made on a case-by-case basis. Also, OSHA is examining this issue



further and will address it more comprehensively in a compliance directive.

Question: Must LP cylinders used for internal combustion forklifts be stored outside only, or is it permissible to store them inside a warehouse or industrial building?

Reply: §1910.178(f)(2) addresses the storage and handling of liquified petroleum by incorporating by reference the National Fire Protection Association standard, NFPA 58-1969, **Storage and Handling of Liquified Petroleum Gases**. This document lists the requirements for storage of LP cylinders in areas such as within buildings frequented by the public, buildings not frequented by the public, special buildings or rooms, and outside of buildings.

Question: Are there any regulations that prohibit smoking on powered industrial trucks of any classification or fuel designation?

Reply: §1910.178 does not address smoking except to prohibit smoking in the battery charging areas (§1910.178(g)(10)). There are other OSHA standards which may apply, however, such as these dealing with the presence of flammable liquids or atmospheres or other regulated substances.

Question: What regulations state how close eyewash station must be to a battery changing/charging station?

Reply: Because §1910.178 does not have a specific requirement for eyewash facilities, the general standard at §1910.151 applies. When necessary, facilities for drenching or flushing the eyes “**shall be provided within the work area for immediate emergency use.**” In applying these general terms, OSHA would consider the guidelines set by such sources as American National Standards Institute (ANSI) Z358.1-1998, **Emergency Eyewash and Shower Equipment**, which states, at section 7.4.4, that eyewash facilities are to be located to require no more than 10 seconds to reach but that where a strong acid or caustic is used, the unit should be immediately adjacent to the hazard.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can 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