

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**INITIAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Section 3650(t)(17)
of the General Industry Safety Orders (GISO)

Powered Industrial Truck Operation - Exception**SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**

Title 8, Section 3650 contains design and construction standards addressing powered industrial trucks (PITs). Section 3650, subsection (t) contains 33 operating rules and instructions. This rulemaking addresses the exception to (t)(17) which has allowed the driver to be out of the driver's seat with the forks raised no more than 42 inches for loading and unloading above the level where the operator/loaders are standing. The exception was initially developed and adopted in 1996 at the request of the Standards Board's chairman following the granting of a variance request for a similar exception (OSHSB Variance File No. 95-V-004). It was determined that allowing the forks to be elevated when the PIT operator was dismounted and loading/unloading the PIT would enhance employee safety because there would be less risk of injury due to repetitive bending, stooping, lifting, and twisting.

It has been determined that a safety hazard exists when the forks are elevated more than 42 inches above the level on which the PIT is located. If loaders are standing on an elevated surface, the forks could be raised to an unsafe level placing workers at risk should the load or the PIT become unstable.

Section 3650. Industrial Trucks. General.

Section 3650 contains design and construction standards addressing PI's, the operation by authorized drivers, and 33 operating rules and instructions (subsection t). Subsection (t)(17) states that "when the operator of an industrial truck is dismounted and within 25 feet (7.6 meters) of the truck which remains in the operator's view, the load engaging means shall be fully lowered, controls placed in neutral, and the brakes set to prevent movement". The exception to (t)(17) states "forks on fork-equipped industrial trucks may be in the raised position for loading and unloading if the forks are raised no more than 42 inches above the level where the operator/loaders are standing, and the power is shut off, controls placed in neutral and the brakes set. If on an incline, the wheels shall be securely blocked".

Amendments are proposed to specify that PIT forks may be in the raised position for loading and unloading by the operator, if the forks are raised no more than 42 inches above the same level on

which the PIT is located rather than where the operator/loaders are standing. Further amendments for consistency are proposed to replace the term “forks” with the more inclusive term “load engaging means” which refers to any part of the PIT that comes in contact with the load. This term is also used in subsection (t)(17). The proposal also requires the operator to be in the driver’s seat of the PIT when not involved with loading/unloading operations.

The proposed amendments are necessary to reduce the risk of the PIT becoming unstable and materials falling and striking employees. It will clarify that loads are not to be elevated more than 42 inches above the level of the PIT, which would subject the PIT and load to tipping. It will ensure the PIT operator will remain in the driver’s seat to oversee the process and ensure control of the PIT if not engaged in the actual loading/unloading operation.

TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED ON BY THE BOARD

1. E-mail transmission dated February 3, 2016 from Eric Berg, Division of Occupational Safety and Health to Mike Manieri, Occupational Safety and Health Standards Board, regarding 3650 (t) proposed change.
2. U.S. Department of Labor, Occupational Safety and Health, 29 CFR 1910.178(m)(5)(iii).
3. Memorandum from George Hauptman to All Standards Board members, regarding Operating Rules for Industrial Trucks, proposed revisions to Section 3664 of the GISO, pages 1-4.
4. Occupational Safety and Health Standards Board decision in the matter of Hayward Lumber Company, OSHSB File No. 95-V-004, adopted May 18, 1995.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

DOCUMENTS INCORPORATED BY REFERENCE

None.

PETITION

This proposal was not the result of a petition.

ADVISORY COMMITTEE

The proposal was developed without the assistance of an advisory committee.

FIRE PREVENTION STATEMENT

This proposal does not include fire prevention or protection standards. Therefore, approval of the State Fire Marshal pursuant to Government Code Section 11359 or Health and Safety Code Section 18930(a)(9) is not required.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The board estimates the economic impact to be less than \$10 million. The board has made a determination this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposal essentially adds language clarifying conditions under which the employer may utilize the PIT forks in an elevated position for loading/unloading materials, as well as adding requirements to ensure employee safety from falling objects and rollover accidents.

Based on the above, this rulemaking action will not impact the following:

- The creation or elimination of jobs within the State of California,
- The creation of new businesses or the elimination of existing businesses within the State of California,
- The expansion of businesses currently doing business within the State of California.

BENEFITS OF THE PROPOSED ACTION

The benefits of the proposal include but are not limited to:

1. ensuring PIT's are under the control of the operator and not left unattended causing struck-by/rollover accidents from inadvertent movement from the units.
2. lessening the hazard from materials falling, property damage, and additional injuries to co-workers and third parties.
3. clarifying to employer the need for the loading/unloading process to take place at the same level the PIT is located with the operator in attendance.

There are no anticipated benefits to the state's environment.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Board has determined the proposed amendments may affect businesses. However, no economic impact is anticipated. The benefits will include safer and clearer work procedures from elevated PIT forks at waist level instead of ground level. No additional costs are expected for employers to modify procedural changes contained in employee training manuals.

The proposal is essential to ensure PITs are operated in a safe manner in accordance with established operating rules.

**REASONABLE ALTERNATIVES TO THE PROPOSAL AND THE BOARD'S
REASONS FOR REJECTING THOSE ALTERNATIVES**

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.