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Standard Number: 1910.178(m)(5)(iii)

January 29, 1991

Mr. Thomas Smith
The Coca-Cola Bottling
Company of New York, Inc.
20 Horseneck Lane
P.O. Box 1820
Greenwich, Connecticut 06836

Dear Mr. Smith:

This is in response to your inquiry of December 13, 1990 to Mr. Raymond Donnelly of my staff.

Your letter describes a material handling activity involving the use of fork trucks in your plant, and you ask our opinion as to whether or not the activity is in conformance with Occupational Safety and Health regulations, specifically 29 CFR 1910.178(m)(5)(iii). Your interpretation as stated in your letter, is as follows:

It is our interpretation that when an industrial truck has a load on its forks (wooden pallet & cases) and being worked on by the operator (cases being placed on the load) the forks do not have to be lowered. If the operator leaves the area, or stops working for break, then we lower the forks and load. We raise the load more than two feet off the ground to use the pallet as a loading work table. By maintaining waist height, we reduce the stress placed on the back. The use of the pallet work table concept was recommended by an outside ergonomic study conducted at the request of the Occupational Safety and Health Administration. We feel a more safe operation exists them if we had to lower the wooden pallet to ground level and bend over to load bottom layers. This is not a situation of exposed forks to walk into or trip over.

In order to protect employees from the hazard of a moving driverless truck with forks elevated, the following steps must be taken:

- * the truck engine must be shut off.
* the brakes of the truck must be set.
* should the operation take place on an inclined surface, in addition to the above, the wheels of the truck must be chocked to prevent movement.

Thank you for your inquiry. If you should need additional assistance, please do not hesitate to contact us again.

Sincerely,

Patricia K. Clark, Director
Directorate of Compliance Programs

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