

# Memorandum

ALL STANDARDS BOARD MEMBERS

Date : February 5, 1996

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Occupational Safety and Health Standards Board  
George Hauptman, Associate Safety Engineer

Subject: Operating Rules for Industrial Trucks

The following information is provided in regard to the proposed revisions to Title 8, California Code of Regulations, Chapter 4, Subchapter 7, Article 25, Section 3664 of the General Industry Safety Orders.

## SUMMARY

Section 3664(a)(17) of the General Industry Safety Orders requires that industrial truck forks be fully lowered when the operator is dismounted and within 25 feet of the industrial truck. The existing regulation does not permit the forks to be elevated, to facilitate transfer of materials onto or off the forks when the industrial truck operator is dismounted and within 25 feet of the industrial truck.

Board staff proposes to revise Section 3664(a)(17) to include an exception to permit the forks to be elevated when the industrial truck operator is dismounted and within 25 feet of the industrial truck, if certain conditions are complied with. Permitting the forks to be elevated will facilitate the transfer of materials onto or off the forks with less bending, twisting, and stooping by the industrial truck operator and other employee(s) involved in the material transfer operation.

The proposed revision to Section 3664(a)(17) derives from a permanent variance application (Occupational Safety and Health Standards Board File No. 95-V-004). The Applicant requested a variance from the provision of Section 3664(a)(17) to permit the forks to be elevated when an industrial truck operator is dismounted, to facilitate the transfer of materials onto or off the forks by the operator or other employee(s) involved in the task.

The Applicant had been issued a citation by the Division of Occupational Safety and Health (DOSH) for permitting an employee to dismount an industrial truck when the forks were elevated. The Applicant indicated that positioning the forks to facilitate material transfer would curtail back injuries because the employees transferring material from or onto the forks would require less bending of the lower back.

The Board granted the permanent variance application with the following conditions: 1) the forks shall not be elevated more than waist high of the person performing the material transfer, and 2) the person(s) performing the material transfer shall remain outside the area defined by the elevated forks.

At the variance hearing, staff was instructed to form and convene an advisory committee to address the Applicant's concerns. The advisory committee's mandate was to develop regulatory language to permit the forks to be elevated when the industrial truck operator is dismounted and within 25 feet. Board staff convened an advisory committee on October 25, 1995. The proposed amendments to Section 3664(a)(17) are a result of the advisory committee deliberations.

Federal OSHA's counterpart requirement 29 CFR 1910.178(m)(5)(iii) is identical to existing Title 8, Section 3664(a)(17). However, Federal OSHA does not interpret the regulation the same as DOSH. Board staff contacted a safety specialist at Federal OSHA's Washington D.C. Safety Standards Program Office and was advised Federal OSHA permits operations similar to the exception proposed for revised Section 3664(a)(17). The operator may dismount and perform loading/unloading functions with the forks in the elevated positions.

#### PETITION

This proposal was not the result of a petition.

#### ADVISORY COMMITTEE

This proposal was developed with the assistance of an advisory committee. (A list of advisory committee members, attendance sheets and minutes are attached as Attachment No. 4.)

#### BUILDING STANDARDS

This regulation does not contain building standards as defined in Health and Safety Code Section 18909.

EMERGENCY REGULATIONS

This proposal is not requested to be considered on an emergency basis.

STRIKEOUT/UNDERLINE DRAFT PROPOSAL

See Attachment No. 1.

SIDE-BY-SIDE CODE COMPARISON WITH FEDERAL STANDARD

See Attachment No. 2.

INITIAL STATEMENT OF REASONS

See Attachment No. 3.

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.

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH OVERVIEW

The existing Section 3664(a)(17) specifies that when the operator of an industrial truck is dismounted and within 25 feet of the truck and the truck remains in the operator's view, the load engaging means shall be fully lowered, controls neutralized, and the brakes set to prevent movement.

The proposed amendment will add an exception to Section 3664(a)(17) that will permit the load engaging means (forks) of fork equipped industrial trucks to be elevated to a specified height for loading and unloading materials when the industrial truck operator is dismounted and within 25 feet of the truck, if certain conditions are complied with.

The proposed exception 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 blocked."

A 42 inch height limit for elevating the forks is used to provide a measurable limitation that can be applied when more than one worker is performing loading/unloading operations. The height limitation will minimize the possibility of workers passing or placing themselves beneath the load and still allow appropriate fork positioning for ease of transferring materials.

The National Safety Council publication, "Accident Prevention Manual for Industrial Operations," indicates a work height (the height at which the hands are working while standing) to accommodate most males and females is a range up to 41 inches. The specific 42 inch height limit for elevating forks will therefore meet the above reasons for providing a height limit.

The comparable federal regulation, 29 CFR 1910.178(m)(5)(iii) is identical to the existing state regulation, Section 3664(a)(17). The proposed amendment which adds the exception clarifies that an industrial truck operator can elevate the forks for loading and unloading functions provided specific precautions are taken to prevent movement of the truck (a work practice which is already permissible under a Federal OSHA interpretation of their regulation).

The effect of the proposed amendment will be to permit a lift operator to dismount an industrial truck with elevated forks for the purpose of loading/unloading provided specific criteria has been met. Allowing the forks to be elevated during loading and unloading activities will reduce worker exposure to repetitive bending, twisting and stooping which occurs when the forks are fully lowered.

In addition to other editorial corrections to Section 3664, it is also proposed to further amend subsection (a)(17) to change "neutralized" to "placed in neutral". These proposed revisions merely clarify existing language and will have no effect upon the regulated public.

DOCUMENTS INCORPORATED BY REFERENCE

None.

Attachments