



• IMPORTANT NOTICE • AMENDED REGULATION

On June 2, 2003, OSHA revised and amended the 29CFR1910.178, Powered Industrial Trucks regulation by deleting the (M)(12) - (M)(12)(iii) paragraph.

On April 3, 2006, OSHA revised and amended the 29CFR1910.178, Powered Industrial Trucks regulation by revising the 1910.178(a)(2) paragraph.

Go to forkliftsafety.com "Updates & Articles" tab for complete, printer friendly versions of these amended OSHA regulations.

10 FORKLIFT OPERATOR TRAINING REQUIREMENTS

The most frequent asked question that FORKLIFTSAFETY.COM receives in their office on a daily basis is, "What Do We Need To Do To Become OSHA Compliant?" Contrary to the many confusing interpretations that we hear, our answer is simple and by the book as defined by the OSHA Federal Regulation 29CFR1910.178, paragraph L, "Operator Training".

1. It is THE employer's responsibility to Train, Test, Evaluate and Authorize every one of their forklift operators.
2. Training and Evaluation(s) are the employer's responsibility, regardless of previous experience or prior training.
3. All training must be site and equipment specific. "Train the

- Trainer" is a myth. Trainers are not certified but they must be knowledgeable of the equipment and application.
4. Driving evaluation tests must be conducted and filed for each forklift operator for every forklift that they operate to include loaners, rentals or any new or used forklifts acquired.
 5. OSHA clearly states; "Certification. The EMPLOYER shall certify that each operator has been trained and evaluated as required by this paragraph L". (OSHA Federal Regulation 29CFR1910.178, paragraph L, (6), Operator Training, Powered Industrial Trucks).
 6. The employer is certifying to OSHA that they are in compliance with OSHA's training requirements and that every operator has been trained, tested, evaluated and Authorized.
 7. Forklift operators are not certified, they are Authorized.
 8. Daily Safety Inspection Report Forms must be filled out on every forklift at the beginning of every shift.
 9. Training shall consist of a Complete video review of the entire OSHA Federal Regulation 29CFR1910.178, Powered Industrial Trucks, Operator Workbook, pre-shift Safety Inspections, Written Test and Driving Evaluation Test(s). After each operator has successfully completed OSHA's training requirements and for those forklift operators that can demonstrate safe driving skills and practices on a daily basis, Authorization Cards and Certificates of Completion can be issued by the employer to the forklift operator(s).
 10. From a liability standpoint, we recommend that the employer takes two hours every year to re-certify their forklift operators by providing classroom instruction and driving evaluations.

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- 4/3/06 Amended OSHA Reg. 29 CFR 1910.178, Powered Industrial Trucks
- Forklift Operator Age Requirements
- Enforcement Of The Use Of Seat Belts On Powered Industrial Trucks
- Employer Confusion
- Forklift Dealership & Rental Yard Liability
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ENFORCEMENT OF THE USE OF SEAT BELTS ON POWERED INDUSTRIAL TRUCKS

APPENDIX B

Enforcement of the Use of Seat Belts on Powered Industrial Trucks in General Industry October 9, 1996

MEMORANDUM FOR: REGIONAL ADMINISTRATORS
FROM: JOHN B. MILES, JR., DIRECTORATE OF COMPLIANCE PROGRAMS


SUBJECT: Enforcement of the Use of Seat Belts on Powered Industrial Trucks in General Industry

It has come to my attention that clarification is needed to ensure that a uniform approach is taken by all OSHA offices with respect to the enforcement of the use of seat belts on powered industrial trucks in general industry.

American National Standards Institute (ANSI) B56.1-1969 Safety Standard for Powered Industrial Trucks, was adopted by OSHA under the procedures described in Section 6(a) of the Occupational Safety and Health Act (OSH Act). ANSI B56.1-1969 does not have provisions for the use of seat belts. Therefore, 29 CFR 1910.178 does not contain requirements for the use of seat belts. However, Section 5(a)(1) of the OSH Act require employers to protect employees from serious and recognized hazards. Recognition of the hazard of powered industrial truck tipover and the need for the use of an operator restraint system is evidenced by certain requirements in the more current versions of ANSI B56.1 consensus standard for powered industrial trucks; ASME/ANSI B56.1a-1989 Addenda to ASME/ANSI B56.1-1988, and ASME B56.1-1993 Safety Standard for Low Lift and High Lift Trucks. In addition, seat belts have been supplied by many manufacturers of counterbalanced center control, high lift trucks which have a sit down non-elevating operator position. Also, some manufacturers have instituted retrofit programs for the installation of operator restraint systems to older powered industrial trucks.


OSHA's enforcement policy relative to the use of seat belts on powered industrial trucks is that employers are obligated to require operators of powered industrial trucks which are equipped

with operator restraint devices or seat belts to use the devices OSHA should enforce the use of such devices under Section 5(a)(1) of the OSH Act.

After consultation with the Regional Solicitor, OSHA may also cite Section 5(a)(1) of the OSH Act if an employer has not taken advantage of a manufacturer operator restraint system or seat belt retrofit program. 

EMPLOYER CONFUSION

Most employers throughout the U.S. are demanding previous forklift operator training or certification from individuals making application for employment who want to be forklift operators. The OSHA Federal Regulation, CFR1910.178, para. (L), Operator Training, Powered Industrial Trucks, clearly and repeatedly states that it is the employer's responsibility to train & evaluate each operator regardless of previous experience or prior training. All training and evaluations must be site and equipment specific. The word CERTIFICATION rears its "ugly head" only one time in the OSHA Powered Industrial Truck Regulation. It states: "Certification. The employer shall certify THAT each operator has been trained and evaluated as required by this paragraph (L)". The above word, THAT, implies the process. The process being that the present and current employer is certifying to OSHA THAT each operator has been trained, tested, evaluated and authorized (again, site and equipment specific).

During an OSHA audit or investigation, the employer, in most cases, will be required to provide certification. The certification shall include the name of the operator, the date of the training, the date of the evaluation(s), and the identity of the person(s) performing the training or evaluation. If OSHA finds the employer to be noncompliant or for a willful violation, severe OSHA fines and penalties can be imposed. In the event of an injury or death accident, consider the implications of a liability lawsuit if you, the employer, are not in compliance or the accident resulted from an employer's willful violation or gross negligence. 

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"TRAIN THE TRAINER..." Certification or Confusion

Don't be fooled by the incorrect term CERTIFICATION when the correct or proper term is CERTIFICATE OF COMPLETION. Many training companies boldly advertise and offer a "train the trainer" certification class that hands you a certificate of completion at the end of their course. There are no accreditations or mandated certification qualifications in order to be a trainer or instructor. There are no government or private agencies that have been approved, endorsed or empowered with certain standardized credentials or qualifications to train instructors and then issue trainer certifications.

The OSHA regulation 1910.178, Powered Industrial Trucks, revised 6/2/2003, paragraph (L)(2)(iii), "Operator Training", clearly states:

(l)(2)(iii) All operator training and evaluation shall be conducted by persons who have the knowledge, TRAINING, and experience to train powered industrial truck operators and evaluate their competence.

The above excerpt does not reference or imply the term CERTIFICATION. The word "TRAINING" can imply many meanings since the word is not defined. We can assume "on the job training" would qualify a person doing the training if they are experienced, capable, competent and knowledgeable of the specific equipment and application. With our easy to use safety training kits you can meet OSHA's compliance requirements.

As an employer, if you choose to ignore the new training rules adopted by OSHA, a minimum fine or penalty of \$7,000 for EACH untrained operator can be assessed for non-compliance. Per OSHA Fact Sheet # 92-36, New OSHA Civil Penalties Policy.

FORKLIFT OPERATOR AGE REQUIREMENTS

The purpose of this article is to inform employers that youth employment regulations (29CFR570) promulgated under the Fair Labor Standards Act, prohibits most employees under the age of 18 years from operating forklifts for non-agricultural operations. Employers must be reminded that all forklift operators who are 18 years old or older must be trained and the employer must certify that their operators are competent to operate forklifts. Employers must identify, obtain and apply additional resources to ensure a safe and healthful workplace for all workers on a consistent daily basis. Regulations promulgated pursuant to the Fair Labor Standards Act prohibit individuals younger than 18 years of age from engaging in specified hazardous occupational activities. 29CFR570.58-Occupations involved in the operations of power-driven hoisting apparatus (Order 7), paragraph (a)(5), specifically prohibits its employees under 18 years of age from operating forklifts in non-agricultural employment. In 2002, the Wage and Hour Division of the Employment Standards Administration initiated a "Stop" sticker program. As part of the that program, WHD developed a sticker that can be applied to forklifts to provide a warning regarding prohibition against workers under 18 years of age operating a forklift.

Employers have the responsibility to comply with the 29CFR1910.178 in order to ensure the safe operation of powered industrial trucks at their facility. In addition, since Order

7 of Hazardous Occupations prohibits employees under 18 years of age from operating forklifts, employers must make certain that workers under 18 years of age are not permitted to operate forklifts under any circumstances. Employers who employ individuals younger than 18 years of age also must be cognizant of other employment activities prohibited for young workers under the Fair Labor Standards Act. Employers, educators, parents and young workers all are encouraged to visit the DOL and OSHA web pages for additional information on creating and maintaining compliant, safe and healthful work environments.

For free posters, go to www.youthrules.dol.gov/posters.html

FORKLIFT DEALERSHIP & RENTAL YARD LIABILITY

When renting a forklift to a customer (lessee), the rental yard (lessor) should have the following or similar written statement or agreement from the customer (lessee) with their dated signature of acceptance or decline, prior to renting a forklift to each customer:

_____ (lessor) has advised and given customer, _____ (lessee), a copy of OSHA'S new forklift operator training requirement, 29CFR1910.178, Para. (L), Operator Training, Powered Industrial Trucks, dated 12-1-98. Customer (lessee) _____ accepts or _____ declines forklift operator training from _____ (lessor).

_____ Signature (lessee)
_____ Title _____ Date

All forklift rental yards must be knowledgeable of OSHA'S current training requirements and be able to pass this information on to the customer who, in many cases, may not be aware of OSHA'S specific forklift operator training requirement. Rental yards might find themselves in serious trouble in the event their customer has an accident or receives an OSHA citation as a result of untrained or unauthorized forklift operators driving your forklifts. If a customer (lessee) can prove they had no prior knowledge or information of OSHA'S forklift operator training requirement, the responsibility and liability might be that of the rental yard. We advise that all rental companies seek their own legal counsel for advice and specific agreement verbiage relating to this liability concern.

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OSHA 3035-10, Revised for Accuracy and Clarity Manual March 15, 2001
Change to FEDERAL OSHA 3035-10
Attachment A-1, Revised Hand Signals for Certified Forklift Operators
Page 1 Page 1

STOP - Forklifts must stop when the operator is stopped. The operator must be stopped when the operator is stopped. The operator must be stopped when the operator is stopped.

10 FORKLIFT SAFETY RULES:

- WEAR YOUR SEAT BELT ON SIT-ON-RIDER FORKLIFTS
- NO HORSEPLAY OR MISUSE OF FORKLIFTS
- SOUND HORN AT BLIND CORNERS & INTERSECTIONS
- NO RIDERS
- CHECK TRUCK & TRAILER WHEELS BEFORE ENTERING
- DO NOT RAISE OR LOWER LOADS WHILE TRAVELING
- LOWER FORKS TO THE GROUND WHEN PARKING
- DO NOT RAISE ANY PERSON ON THE FORKS
- INSPECT CONDITION OF FORKLIFT BEFORE EACH SHIFT
- NO SMOKING IN REFUELING OR CHARGING AREAS

EXPECT THE UNEXPECTED

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OSHA'S NEW Forklift Operator Safety Training Rule

Published December 1, 1998

(I) Operator training.

(I)(1) Safe operation.

(I)(1)(i) The employer shall ensure that each powered industrial truck operator is competent to operate a powered industrial truck safely, as demonstrated by the successful completion of the training and evaluation specified in this paragraph (I).

(I)(1)(ii) **Prior to permitting an employee to operate a powered industrial truck (except for training purposes), the employer shall ensure that each operator has successfully completed the training required by this paragraph (I), except as permitted by paragraph (I)(5).**

(I)(2) **Training program implementation.**

(I)(2)(i) Trainees may operate a powered industrial truck only:

(I)(2)(i)(A) Under the direct supervision of persons who have the knowledge, training, and experience to train operators and evaluate their competence; and

(I)(2)(i)(B) Where such operation does not endanger the trainee or other employees.

(I)(2)(ii) **Training shall consist of a combination of formal instruction (e.g., lecture, discussion, interactive computer learning, video tape, written material), practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.**

(I)(2)(iii) **All operator training and evaluation shall be conducted by persons who have the knowledge, training, and experience to train powered industrial truck operators and evaluate their competence.**

(I)(3) **Training program content.** Powered industrial truck operators shall receive initial training in the following topics, except in topics

which the employer can demonstrate are not applicable to safe operation of the truck in the employer's workplace.

(I)(3)(i) Truck-related topics:

(I)(3)(i)(A) Operating instructions, warnings, and precautions for the types of truck the operator will be authorized to operate;

(I)(3)(i)(B) Differences between the truck and the automobile;

(I)(3)(i)(C) Truck controls and instrumentation: where they are located, what they do, and how they work;

(I)(3)(i)(D) Engine or motor operation;

(I)(3)(i)(E) Steering and maneuvering;

(I)(3)(i)(F) Visibility (including restrictions due to loading);

(I)(3)(i)(G) Fork and attachment adaptation, operation, and use limitations;

(I)(3)(i)(H) Vehicle capacity;

(I)(3)(i)(I) Vehicle stability;

(I)(3)(i)(J) Any vehicle inspection and maintenance that the operator will be required to perform;

(I)(3)(i)(K) Refueling and/or charging and recharging of batteries;

(I)(3)(i)(L) Operating limitations;

(I)(3)(i)(M) Any other operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate.

(I)(3)(ii) Workplace-related topics:

(I)(3)(ii)(A) Surface conditions where the vehicle will be operated;

(I)(3)(ii)(B) Composition of loads to be carried and load stability;

(I)(3)(ii)(C) Load manipulation, stacking, and unstacking;

(I)(3)(ii)(D) Pedestrian traffic in areas where the vehicle will be operated;

(I)(3)(ii)(E) Narrow aisles and other restricted places where the vehicle will be operated;

(I)(3)(ii)(F) Hazardous (classified) locations where the vehicle will be operated;

(I)(3)(ii)(G) Ramps and other sloped surfaces that could affect the vehicle's stability;

(I)(3)(ii)(H) Closed environments and other areas where insufficient ventilation or poor vehicle maintenance could cause a buildup of carbon monoxide or diesel exhaust;

(I)(3)(ii)(I) Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation.

(I)(3)(iii) The requirements of this section.

(I)(4) **Refresher training and evaluation.**

(I)(4)(i) Refresher training, including an evaluation of the effectiveness of that training, shall be conducted as required by paragraph (I)(4)(ii) to ensure that the operator has the knowledge and skills needed to operate the powered industrial truck safely.

(I)(4)(ii) **Refresher training in relevant topics shall be provided to the operator when:**

(I)(4)(ii)(A) **The operator has been observed to operate the vehicle in an unsafe manner;**

(I)(4)(ii)(B) **The operator has been involved in an accident or near-miss incident;**

(I)(4)(ii)(C) **The operator has received an evaluation that reveals that the operator is not operating the truck safely;**

(I)(4)(ii)(D) **The operator is assigned to drive a different type of truck; or**

(I)(4)(ii)(E) **A condition in the workplace changes in a manner that could affect safe operation of the truck.**

(I)(4)(iii) **An evaluation of each powered industrial truck operator's performance shall be conducted at least once every three years.**

(I)(5) **Avoidance of duplicative training.** If an operator has previously received training in a topic specified in paragraph (I)(3) of this section, and such training is appropriate to the truck and working conditions encountered, additional training in that topic is not required if the operator has been evaluated and found competent to operate the truck safely.

(I)(6) **Certification. The employer shall certify that each operator has been trained and evaluated as required by this paragraph (I). The certification shall include the name of the operator, the date of the training, the date of the evaluation, and the identity of the person(s) performing the training or evaluation.**

(I)(7) **Dates. The employer shall ensure that operators of powered industrial trucks are trained, as appropriate, by the dates shown in the following table.**

(I)(8) Appendix A to this section provides non-mandatory guidance to assist employers in implementing this paragraph (I). This appendix does not add to, alter, or reduce the requirements of this section.

**For Additional Information,
Call OSHA in Washington, D.C.
202/693-1854 or 202/693-2277.**

**Visit OSHA Library
pertaining to Powered
Industrial Trucks —**

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Additional safety standards pertaining to Powered Industrial Trucks can be obtained from: American National Standards Institute, Inc., phone (212) 642-4900 or website: www.ANSI.org

Safety Standard	Description
ANSI B56.1-1993	Low Lift and High Lift Trucks
ANSI B 56.9-1992	Operator Controlled Industrial Tow Tractors

For technical assistance or clarification of the ANSI B 56.1 and B 56.9 safety standards, contact:

American Society of Mechanical Engineers
 (212) 591-8500
 or their website at
www.ASME.org

If the employee was hired:	The initial training and evaluation of that must be completed:
Before December 1, 1999. . . .	By December 1, 1999
After December 1, 1999. . . .	Before the employee is assigned to operate a powered industrial truck.