



Virginia
Regulatory
Town Hall

townhall.state.va.us

Exempt Action Final Regulation Agency Background Document

Agency name	Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-90-1910.178
Regulation title	Powered Industrial Trucks, General Industry, 1910.178
Action title	Powered Industrial Trucks, General Industry, Final Rule, 1910.178 (m)(12)(i)-(iii); Correction
Final agency action date	March 7, 2006
Document preparation date	

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

On June 2, 2003, OSHA corrected a 22-year old error by deleting subsection (m)(12) from the Powered Industrial Trucks Standard, §1910.178, covering the use of powered industrial trucks to lift personnel. Section 1910.178 (m)(12) was deleted because it had been invalidly promulgated in 1971 from a non-mandatory provision of a national consensus standard into a mandatory standard. As a result, OSHA determined that paragraph (m)(12) was legally unenforceable (68 FR 32637).

This current change completes the 2003 correction by removing and reserving the subordinate paragraphs (i) through (iii) of paragraph (m)(12) of the Powered Industrial Trucks standard, §1910.178.

The affected paragraphs formerly read as follows:

“Paragraph (m) Truck operations.

- (12) [Reserved]
 - (i) Use of a safety platform firmly secured to the lifting carriage and/or forks.
 - (ii) Means shall be provided whereby personnel on the platform can shut off power to the truck.
 - (iii) Such protection from falling objects as indicated necessary by the operating conditions shall be provided.”

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On March 7, 2006, the Safety and Health Codes Board adopted a federal-identical correction to 16 VAC 25-90-1910.178 (m)(12)(i) through (iii), Powered Industrial Trucks, §1910.178.

The effective date for this correction is June 15, 2006.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

The correction has no impact on the institution of the family or family stability.

To access Powered Industrial Trucks, General Industry, §1910.178; Correction, please refer to: http://www.osha.gov/FedReg_oseha_pdf/FED20050930.pdf