



VOSH PROGRAM DIRECTIVE: 14-219C

ISSUED: August 15, 2009

SUBJECT: Local Emphasis Program: Reverse Signal Operation of Vehicles, Machinery and Equipment and Heavy Equipment (Generally)

A. Purpose

This directive establishes a local emphasis program (LEP) for reverse signal operation activities covered by the new regulation, 16 VAC 25-97, and continues the existing emphasis program for other heavy equipment.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope

This Directive applies to all VOSH personnel, and specifically to Occupational Safety Compliance and Consultation Services Personnel.

C. Reference

Not applicable.

D. Cancellation

VOSH Program Directive 14-219B, Local Emphasis Program: Heavy Equipment (April 1, 2003).

E. Action

Directors and Managers shall assure that procedures established in this directive are adhered to in scheduling and conducting inspections which comply with this local emphasis program.

F. Effective Date

September 18, 2009.

G. Expiration Date

Not Applicable.

H. Background and Summary

Because of a continuing pattern of work-related vehicular incidents and fatalities, and the recent adoption of the unique VOSH regulation on Reverse Signal Operation Safety Requirements for Vehicles, Machinery and Equipment in General Industry and the Construction Industry, 16VAC25-97, VOSH enforcement has determined that the special emphasis program effort targeting heavy equipment should be expanded to include the full scope of reverse signal operations covered by the new regulation and related amended standards. This local emphasis program, by increasing VOSH enforcement presence, will heighten general industry and construction industry awareness of hazardous conditions or situations existing on their worksites concerning reverse signal operation hazards.

See VOSH Directive 12-240, Reverse Signal Operation Safety Requirements for Motor Vehicles, Machinery and Equipment in General Industry and the Construction Industry, 16VAC25-97, for the text of the regulation.

See also VOSH Directive 02-240, Reverse Signal Operation Safety Requirements for Motor Vehicles, Machinery and Equipment in General Industry and the Construction Industry, 16VAC25-97, Inspection Procedures and Interpretations.

I. Procedures

1. All compliance personnel shall be instructed to be on the lookout for general industry and construction activities in which reverse signal operation activities or heavy equipment vehicles may be in use. Every observation of these general industry and construction vehicles in use shall be handled as follows:
 - a. Regardless of whether a violation is observed, whenever a CSHO sights or receives any other notice of a general industry or construction operation in which covered equipment is being used (including nonformal complaints, other government agency referrals, and reports from members of the public), the CSHO shall:
 - (1) Make an inspection of back-up alarms and labeling (e.g., warnings of operation, load capacities, etc.) on such vehicles.
 - (2) Make note of the state and condition of the work operation, insofar as it is known, including any apparent serious hazards.

- (3) Note the name and address or location of the worksite and the contractor (where applicable) performing the operation, if known.
 - (4) Note whether violations or unsafe conditions are observed in plain view. Refer to paragraph I.1.c., below, if no violations or unsafe conditions are observed.
 - (5) Determine if the employer and employees are familiar with the requirements of the reverse signal operation regulation and whether drivers of covered equipment and designated observers/ground guides have been trained in the requirements of the regulation.
 - b. All activities involving covered equipment in general and construction work industries that are brought to the attention of the CSHO shall be inspected if violations or unsafe conditions are observed in plain view. The CSHO shall notify his supervisor at the earliest convenient time that an inspection has been opened pursuant to this LEP.
 - c. No inspection of the worksite shall be conducted if it is apparent that the back-up alarm is functioning, the training requirements of the reverse signal operation regulation have been met, the equipment is properly labeled and no other violations or other hazardous conditions appear in plain view. When no inspection is conducted, the CSHO shall record this for the purposes of the IMIS system according to the guidelines in paragraph J.3.
 - d. Nonformal complaints and other referrals in general industry and construction operations involving reverse signal operation activities or heavy equipment shall be scheduled as unprogrammed inspections under this LEP, conducted in accordance with the VOSH FOM. Such notices, therefore, need not be responded to with the usual letter to the employer.
2. Although sightings will normally be those which occur during the course of routine travel during duty or nonduty hours, the discovery of these work activities may be the result of a specific search to find activities involving reverse signal operation activities or heavy equipment.
 3. Documentation of the events leading up to the observation or the reporting of general industry and construction activities involving heavy equipment shall be maintained by the Regional Office in case of denial of entry.
 4. When an inspection is not conducted because consent has not been obtained, a warrant normally shall be sought in accordance with the current procedures for handling such cases. A warrant may not be necessary if the violations are in plain view.
 5. The scope of inspections conducted under this LEP shall normally be limited to activities relating to activities involving the use of heavy equipment, generally, and reverse signal operation activities, in particular. If the inspection is to be expanded, the principles given in the VOSH FOM shall be followed and are hereby incorporated by reference for application to both planned and unprogrammed inspections under this LEP.

J. Recording in IMIS

The following guidelines shall be applied when recording inspections conducted under this LEP and during other inspections in general or construction industries activities involving reverse signal operation activities or heavy equipment.

1. For IMIS purposes, the VAOSH-1 form will be completed as follows:

For Inspection Type, find item 24, and enter an “H” after the colon. (This will yield **“Programmed Planned”** on the screen.)

For Inspection Classification, find item 25c and enter a “Y” after the colon. (This will yield **“Local Emphasis Program”** on the pop-up box. Enter “HVYEQUIP” in all caps in the left-hand column of the pop-up box.

2. Nonformal complaints, other government agency referrals and reports from the public reporting potential hazards related to general industry or construction operations involving reverse signal operation activities or heavy equipment shall be recorded on a VOSH-7 form (Notice of Alleged Safety or Health Hazards) or on a VAOSH-90 (Referral report) if appropriate. Follow current IMIS instructions. They shall also be recorded as unprogrammed inspections under the LEP.
3. No Inspection Conducted: When no inspection of reverse signal operation activities or heavy equipment is conducted for any of the reasons listed in I.1. through I.5, the VAOSH-1 form shall be marked “No inspection” (Item 35, marked “D” after the colon; “Close” (Item 44, marked “A”); “No Citations Issued: (Item 44, marked “B”); and “Other” (Item 45, marked “I.”). Record “HVYEQUIP” in the space in 45I. “Opening Conference Date” (Item 20) which will be the date of entry (enter the date-- month/day/year) and “Closing Conference Date” (On Site) (Item 46) will be the date of exit (enter the date – month/day/year). Opening and closing dates are the same date when no inspection is conducted.

Note: If you have any questions regarding the proper way to record in IMIS, please contact the VOSH IMIS section.

C. Ray Davenport
Commissioner

Attachment: None

Distribution: Commissioner of Labor and Industry
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