

VOSH PROGRAM DIRECTIVE: 14-219D

ISSUED: 01 September 2018

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

Purpose **CHANGE II:** This Change updates the coding system from Integrated Management Information System (“IMIS”) to the current OSHA Information System (“OIS”). **CHANGE I:** This directive establishes a State emphasis program (SEP) 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.

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

Reference Not applicable.

Cancellation VOSH Program Directive 14-219C, State Emphasis Program: Heavy Equipment (15 August 2009)

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

Effective Date **CHANGE II:** 15 September 2018
CHANGE I: 18 September 2009

Expiration Date Not Applicable – remains in effect until cancelled or superseded.

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers
VOSH DLS and OIS Staffs

Consultation Services Director
VOSH Compliance & Cooperative Programs Staff
OSHA Region III & OSHA Norfolk Area Offices

I. 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 State 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 State 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, or its successor.

II. 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 II.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 SEP.
 - 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 OIS system according to the guidelines in paragraph III.C.
 - d. Nonformal complaints and referrals in general industry and construction operations involving reverse signal operation activities or heavy equipment shall be scheduled as unprogrammed inspections under this SEP, 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 SEP 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 SEP.

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

- A. Programmed Inspections.** A programmed inspection conducted under this SEP shall be coded as "HVYEQUIP" in the State Emphasis Program block and as "Programmed Planned" in the Initiating Type block OIS. Inspections under this SEP will be typically coded as "Safety" inspections in the "Inspection Category" block.
- B. Complaint Inspections.** On the OIS Inspection Form, inspections involving reverse signal operation activities or heavy equipment which are initiated as a result of a complaint, referral, or fatality/catastrophe, shall be coded as "HVYEQUIP" in the *State Emphasis Program* block and as the appropriate "unprogrammed" activity in the *Initiating Type* block regardless of whether they are listed on a cycle list.

- C. **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 of VOSH Program Directive 14-221D, or its successor, OIS shall be updated in the *“Reason No Inspection”* block.

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

Attachment: None