

SUBJECT: Seatbelts on Earth Moving and Material Handling Equipment

Purpose: To provide guidelines in both construction and general industry for issuance of citations and clarification of seatbelt use and enforcement.

Scope: This instruction applies MNOSHA wide. It includes, but is not limited to the following equipment equipped with substantial canopy protection or rollover protective structures (ROPS): scrapers, loaders, crawler or wheel tractors, bulldozers, graders, off-highway trucks and agricultural and industrial tractors. It also provides instruction for General Duty citations for rollers, compactors, rubber-tired "skid steer" equipment, and forklift trucks with substantial canopy protection or overhead guards.

Cancellation: This directive supersedes MNOSHA Instruction STD 3-13.3B, dated July 27, 2009

References: Memorandum, Directorate of Compliance Programs-Federal OSHA, dated October 9, 1996, "Enforcement of the Use of Seat Belts on Powered Industrial Trucks in General Industry."

ANSI B56.1-2005 "Safety Standard for Low Lift and High Lift Trucks"

Background:

- A. 1926.602(a)(2)(i) requires that seatbelts be provided on all equipment covered by section 1926.602 which has ROPS or adequate canopy protection, where the guard could crush an employee if the equipment tips over.
- B. 1926.28(a) provides that the employer is responsible for requiring the wearing of appropriate personal protective equipment, e.g., seat belts, in all operations where there is an exposure to hazardous conditions or where this part indicates the need for using such equipment to reduce the hazards to employees.
- C. Minnesota Rules 5205.0750 Subp. 2 adopt the 1926.600 through 602 vehicle and equipment standards for use in General Industry citations. The section applies to all motorized, self-propelled vehicles used off the highway including industrial type trucks, crawler equipment, and rubber-tired vehicles. Emergency vehicles including trucks, snow plows, road maintenance vehicles, and related equipment. Also, service trucks including garbage compactors. These parts shall not apply to vehicles with less than a 20 HP motor.
- D. 1926.602(a) specifically excludes rollers, compactors and other equipment covered elsewhere in Subpart O (such as forklifts covered in 1926.602(c)) from the scope of its requirements. The question has been raised as to how to cite for lack of seat belts on such equipment where the employer has installed a rollover protective structure (ROPS).
- E. ANSI B56.1 - 2005 does not have provisions for the use of seatbelts. However, MN Statutes §182.653 subd.2, the General Duty clause, requires employers to protect employees from serious and recognized hazards. Recognition of the hazard of powered industrial truck tip over 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. In addition, seat belts have been supplied by many manufacturers of counterbalanced, center control, high lift trucks which have a sit-down non-elevated operator position. Also some manufacturers have instituted retrofit programs for the installation of operator restraint systems to older powered industrial trucks.
- F. Previous accidents have shown that equipment provided with ROPS or adequate canopy protection expose the operator to the hazard of being pinned or crushed by the overhead structure in a rollover when the use of seatbelts is not enforced.

ACTION:

A. CONSTRUCTION SITES:

1. On all earth moving and material handling equipment covered by section 29 CFR 1926.602(a), (this does not include forklift type equipment, compactors, rollers or rubber-tired "skid steer" equipment) provided with Rollover Protective Structures (ROPS) or adequate canopy protection, seatbelts must be provided and their use effectively enforced. 1926.602(a)(2)(i) is to be cited for failing to provide seatbelts in covered equipment. 1926.602(a)(2)(i) and 1926.28(a) are to be cited as a grouped violation if seatbelts were provided but their use is not enforced.
2. Where rollers, compactors, rubber-tired "skid steer" equipment, and forklifts with an overhead structure are used on construction sites, the installation and use of seatbelts must be cited on a case-by-case basis, using the General Duty clause. To support a General Duty violation, the OSHI must document:
 - a) employee exposure to the hazard;
 - b) how the employer should have recognized the hazard;
 - c) the likelihood of death or serious physical harm; and
 - d) the feasibility of abatement methods.

B. GENERAL INDUSTRY:

1. On all earth-moving and material handling equipment (other than rollers, compactors and forklifts) where there is a substantial overhead guard, MNOSHA will require seatbelts to be provided and used. 5205.0750 Subpart 2, Ref.1926.602(a)(2)(i) is to be cited for failing to provide seatbelts in covered equipment. 5205.0750 Subpart 2, Ref.1926.602(a)(2)(i) and 1910.132(a) are to be grouped and cited on covered equipment if seatbelts are provided but their use is not enforced.
2. Forklift trucks with rollover or overhead protection must have a restraint device system or enclosure that is intended to reduce the risk of entrapment of the operator's head and/ or torso between the truck and ground in the event of a tipover. A General Duty citation may be issued with adequate documentation of the hazard to require a restraint device system or enclosure (Federal OSHA Memorandum, 10/9/1996).
3. When an employer has been notified by a powered industrial truck manufacturer or association of the hazard of truck overturn and made aware of an operator restraint system retrofit program, MNOSHA may cite the General Duty clause (Federal OSHA Interpretation, 3/7/1996, 10/9/1996, 12/11/1996).
4. A citation should not be proposed for requiring seatbelts, restraint device systems or enclosures where no rollover or overhead protection is installed or required.

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Distribution: OSHA Compliance and WSC Director

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