

SUBJECT: Tagging Requirements for Movable Equipment (M.R. 5210.0532, Subp. 5)

Purpose: To provide guidelines for the enforcement of the tagging requirements for movable equipment as required by Minnesota Rule 5210.0532, subpart 5.

Scope: This instruction applies MNOSHA-wide.

References: Minnesota Rule 5210.0532, subpart 5, "Movable Equipment."

Cancellations: This directive supersedes STD 5-4.2, dated May 16, 2000.

ACTION:

A. General Requirements

1. Minnesota Rule 5210.0532, subpart 5, requires employers to attach a warning tag or a copy of the citation to the operating controls or to the cited component of movable equipment when that equipment is cited for a serious, repeat, or willful violation.
 - a. "Movable" equipment includes hand-held tools and equipment and non-hand-held equipment that can be moved within a worksite or between worksites.
 - b. The purpose of the tag is to provide an interim form of protection to employees through notification for those who may not have knowledge of the citation or the inherent hazardous condition.
 - c. The warning tag must identify the equipment cited, properly warn employees about the nature of the violation involving the equipment, and identify the location where a copy of the citation is posted. A copy of the citation may be attached to the equipment in lieu of a tag. Attaching a copy of the citation to the equipment meets the tagging requirements and posting requirements of 5210.0532.
 - d. The tag (or copy of the citation) must remain attached to the equipment until the hazard has been corrected and all required progress reports have been submitted, the equipment is permanently removed from service or is no longer in the employer's control, or the citation is vacated.
2. If the violation has not been abated by the time the employer receives the citation, a copy of the citation or a warning tag, must be attached to hand-held equipment immediately after the employer receives the citation. For non-hand-held equipment, the citation or tag must be attached prior to moving the equipment within or between worksites.
3. For construction, a tag that is designed and used according the 29 CFR 1926.20(b)(3) and 1926.200(h) meets the requirements of Minnesota Rule 5210.0532 if the information required in paragraph 1.c. above is included on the tag.
4. Employers must ensure that the tag or copy of the citation is not altered, defaced, or covered by other material.

B. Citation Guidelines.

1. Tag-related citations must be observed by an OSHI before a citation is issued for failure to initially tag cited movable equipment. MNOSHA must be able to prove the employer's initial failure to act (tag the movable equipment).
 - a. Where there is sufficient evidence to support the employer's initial failure to tag or post the citation on cited movable equipment, cite 5210.0532, subp. 5, item B.
 - b. Where there is insufficient evidence to support the employer's initial failure to tag or post the citation on the cited movable equipment, a citation for failure to maintain the tag or copy of the citation will be issued. Cite 5210.0532, subp. 5, item D.
2. The penalty for failure to tag movable equipment will follow the same penalty structure (unadjusted proposed penalty of \$3,000; adjusted for good faith, size, and history) which is currently applied for failure to post citations. [See FCM, VI.11.a.(2)]

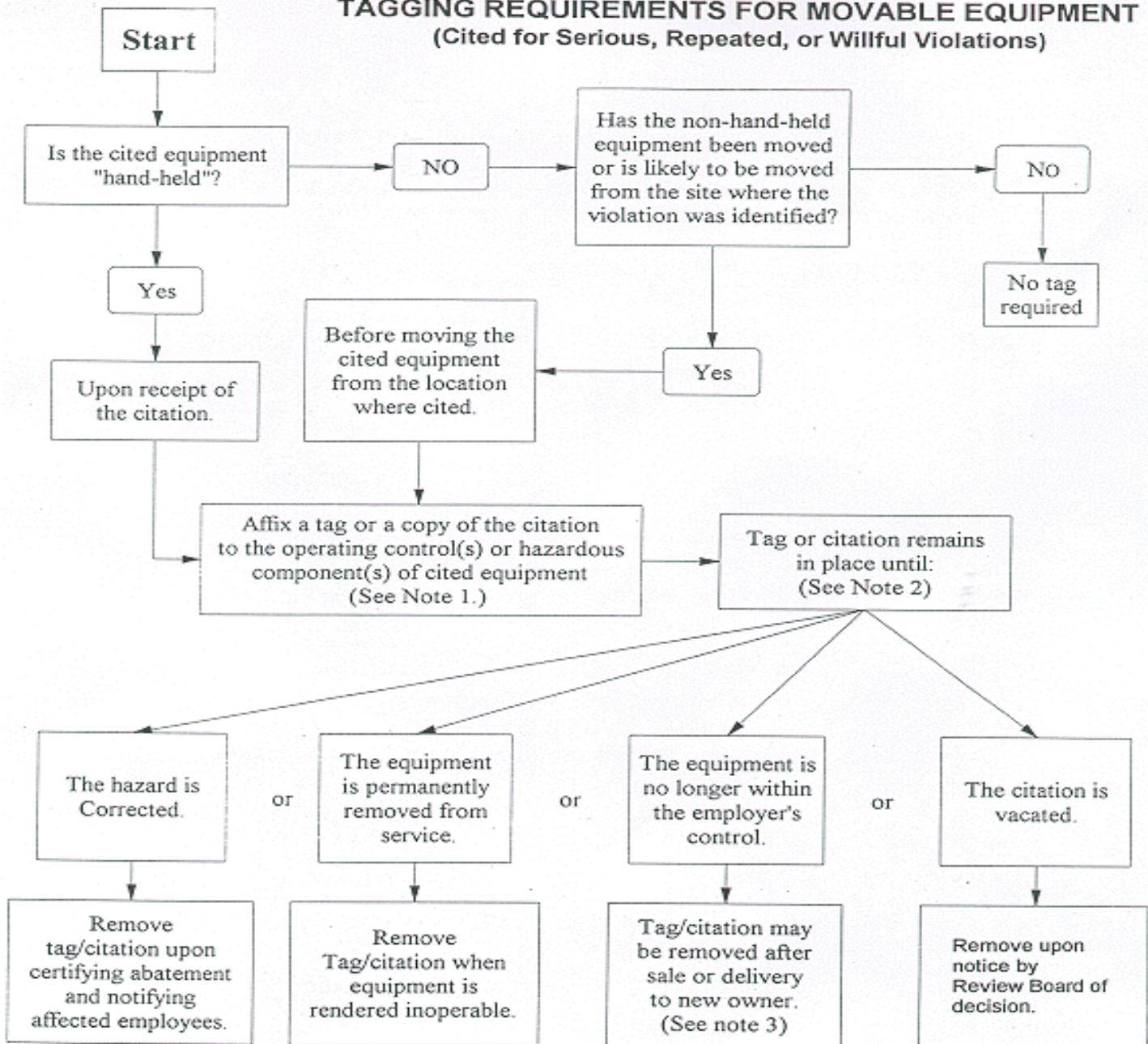
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Distribution: OSHA Compliance and WSC Director

Attachments: Tagging Requirements for Movable Equipment - Flow Chart

Notice: Minnesota OSHA Directives are used exclusively by MNOSHA personnel to assist in the administration of the OSHA program and in the proper interpretation and application of occupational safety and health statutes, regulations and standards. They are not legally binding declarations and they are subject to revision or deletion at any time without notice.

TAGGING REQUIREMENTS FOR MOVABLE EQUIPMENT
 (Cited for Serious, Repeated, or Willful Violations)



* This flow chart applies to SERIOUS, REPEAT, and WILLFUL violations involving movable equipment. Movable equipment means a hand-held or non-hand-held machine or device, powered or unpowered, that is used to do work and is moved within or between worksites.

Note #1 - The employer shall use a tag that identifies the equipment cited, properly warns employees about the nature of the violation involving the equipment, and identifies the location where a copy of the citation is posted. For the construction industry, tags designed and used according to 1926.20(b)(3) and meeting the specifications of 1926.200(h) are acceptable for this purpose.

Note #2 - Tags may be removed from non-hand-held moveable equipment that is returned to the same location at the worksite at which the citation was issued and if a copy of the citation is posted according to the requirements of Minnesota Rule 5210.0532, Subpart 4.

Note #3 - The new owner of equipment who fails to abate the equipment hazards can be cited by MNOSHA for the violations.