**What makes someone qualified to conduct forklift Training?**

The employer has the responsibility to determine competency and qualifications for fork lift trainers OSHA’s standards §1910.178(l)(2)(iii) requires that all operator training and evaluation be conducted by a person who has the knowledge, training, and experience to train powered industrial truck operators and evaluate their competence. There is no requirement that the trainer attend a train-the-trainer course. However, you may find it useful to have trainers attend such a course.  Below is an excerpt from an OSHA Interpretation: <https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=25021>

Scenario: Driver instructor examiners are training some powered industrial truck (PIT) operators. The driver instructor examiners have been certified to teach PIT operator training, however they do not operate PITs on a regular basis or as part of their job function and responsibility.

Question: What does OSHA mean by the word "experience" in 29 CFR 1910.178(l)(2)(iii)? Specifically, does it mean that the trainers must be certified to train drivers to operate PITs, or does it mean that the trainers must operate PITs on a regular basis as part of their job function and responsibility?

Reply: A trainer must have the "knowledge, training, and experience" to train others how to safely operate the powered industrial truck in the employer's workplace. In general, the trainer will only have sufficient "experience" if he has the practical skills and judgment to be able to himself operate the equipment safely under the conditions prevailing in the employer's workplace. For example, if the employer uses certain truck attachments and the trainer has never operated a truck with those attachments, the trainer would not have the experience necessary to train and evaluate others adequately on the safe use of those attachments. However, the standard does not require that the trainers operate a PIT regularly (i.e., outside of their operator training duties) as part of their job function or responsibility.

**Could you address how OSHA views Safety Incentive Programs during an actual audit? Amount of fines incurred? How they could prove willful neglect?**

On March 12, 2012, OSHA issued a memorandum entitled  “*Employer Safety Incentive and Disincentive Policies and Practices*,” which directs field compliance officers and "whistleblower" directed investigative staff to beef up their enforcement of 29 C.F.R 1904.35(b)(1), which addresses work-related reporting of injuries and illnesses, and Section 11(c) of the OSH Act, which contains the whistleblower statues. This memorandum is targeted at employers who have implemented safety incentive programs that discourage workers from reporting injuries and have a policy that requires disciplinary action against employees who are injured on the job, violate injury reporting guidelines, or violate a safety rule.

Excerpts from the memorandum state: "There are several types of workplace polices and practice that could discourage reporting and could constitute unlawful discrimination and a violation of federal statues. OSHA has received reports of employers who have a policy of taking disciplinary action against employees who are injured on the job, regardless of the circumstance surrounding the injury. Reporting an injury is always a protected activity."

While OSHA appreciates employers using safety as a key management metric, OSHA cannot condone a program that encourages discrimination against workers who report injuries." OSHA believes that if employees do not feel free to report injuries or illness, then it puts a company's entire workforce at risk.

If OSHA suspects that your incentive program discriminates against employees who have an injury, they may conduct a **recordkeeping investigation**.

[**https://osha.gov/as/opa/whitleblowermemo.html**](https://osha.gov/as/opa/whitleblowermemo.html)is the web site to view the Employer Safety Incentive and Disincentive policies and Practices Memorandum.

As for fines, OSHA would follow the fines defined for the various types of violations as described in our webinar and under the current administrations directive. In addition any whistleblower actions could occur.

**What determines the need for eye wash stations?**

[**1910.151(c)**](https://www.osha.gov/pls/oshaweb/owalink.query_links?src_doc_type=STANDARDS&src_unique_file=1910_0151&src_anchor_name=1910.151(c))

Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

**Is ladder safety for construction applicable for general industry?**

The following standards address ladders:

General Industry - 1910.23 Ladders

Construction – Subpart X 1926.1050 to 1926.1060 Stairways and Ladders, for demolition in 1926.851, and for electric transmission and distribution in 1926.955

They are similar but have some differences for example:

[1926.1060](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10846) requires training for each employee using [stairways and ladders](https://www.grainger.com/category/ladders-platforms-and-scaffolding/material-handling/ecatalog/N-9t8). General industry standards do not specifically require a user of ladders or stairways to be trained.

[1926.1053](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10839) states “Fixed ladders shall be provided with cages, wells, ladder safety devices, or self-retracting lifelines where the length of climb is less than 24 feet but the top of the ladder is at a distance greater than 24 feet above lower levels. Where the total length of a climb equals or exceeds 24 feet, fixed ladders shall be equipped with one of the following: ladder safety devices, or self-retracting lifelines, and rest platforms at intervals not to exceed 150 feet or a cage or well, and multiple ladder sections not to exceed 50 feet in length.”

1910.28(b)(9) General Industry - Fixed ladders that extend more than 24 feet above a lower level states the same requirements as 1926.1053 fixed ladder. Effective date for General Industry is November 19, 2018 for existing and new fixed ladders.

**Conclusion:**

Even though there are similarities in many cases, if you are in General Industry follow the General Industry Standard for ladders and if you are in the Construction Industry follow the Construction Standard for ladders.

**Is there a guideline to determine if you need to wear steel toe shoes?**

When you perform your PPE assessment (1910.132) you make a determination of what hazards occur in the workplace that may cause foot hazards and determine the severity and what you need to do to protect employees.  Also look at your past incidents and injuries for past occurrences where foot protection is necessary.

**[1910.136(a)](https://www.osha.gov/pls/oshaweb/owalink.query_links?src_doc_type=STANDARDS&src_unique_file=1910_0136&src_anchor_name=1910.136(a)" \o "1910.136(a)) - General requirements.** The employer shall ensure that each affected employee uses protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects, or objects piercing the sole, or when the use of protective footwear will protect the affected employee from an electrical hazard, such as a static-discharge or electric-shock hazard, that remains after the employer takes other necessary protective measures.

**Are you required to have some type of equipment to recover someone who falls with fall Protection?**

**General Industry 1910.140(h) Walking working Surfaces states** – “Rescue considerations. As required by §1910.140(c)(21), when personal fall arrest systems are used, special consideration must be given to rescuing an employee promptly should a fall occur. The availability of rescue personnel, ladders, or other rescue equipment needs to be evaluated since there may be instances in which employees cannot self-rescue (e.g., employee unconscious or seriously injured). In some situations, equipment allowing employees to rescue themselves after the fall has been arrested may be desirable, such as devices that have descent capability.

**General Industry 1910.140(c)(21) General Requirements states – “**The employer must provide for prompt rescue of each employee in the event of a fall.

Construction Industry [1926.502(d)(20)](https://www.osha.gov/pls/oshaweb/owalink.query_links?src_doc_type=STANDARDS&src_unique_file=1926_0502&src_anchor_name=1926.502(d)(20)) states – “The employer shall provide for prompt rescue of employees in the event of a fall or shall assure that employees are able to rescue themselves”.

When an employee is working at elevation, the employer must have a rescue plan in place. This could be having a ladder ready to be extended to an employee who has fallen, an aerial lift for going up to retrieve a falling employee. It also means having the proper retrieval equipment available for retrieving an employee.

It is very important employees who will be doing the rescue be trained in the use of all equipment and procedures for rescuing an employee. The other option is to use outside services. When outside services are used the employer needs to make sure that they have the training and equipment to conduct a rescue. This would involve having them into your facility for a visit and to show them the locations where employees work at elevations. Based on their evaluation the outside service will know if they have the equipment to make a specific rescue or not.

In any event the rescue plan must be in place before the employee climbs to an elevated position so that should an employee fall and need to be rescued you know exactly what equipment is required and available to conduct the rescue.