

May 17, 2022

OSHA Docket Office
U.S. Department of Labor
Room N-3508
200 Constitution Avenue, NW
Washington, D.C. 20210

Docket No. OSHA-2020-0008
Re: Powered Industrial Trucks Design Standard Update

Dear Docket Officer:

The Association of the Wall and Ceiling Industry (AWCI) is a non-profit construction trade association representing more than 2,400 wall and ceiling industry contractors, manufacturers and suppliers. The association's contractor membership employs tens of thousands of union and open shop wall and ceiling industry construction workers nationwide. AWCI supports the general intent of the proposed rule, but has two concerns regarding the potential for infeasible employer responsibilities in the final rule.

AWCI supports OSHA's proposal to require powered industrial truck designers and manufacturers to comply with the most current applicable ANSI standards, *ANSI/ITSDF B56.1-2020, Safety Standard for Low Lift and High Lift Trucks*, *ANSI/ITSDF B56.5-2019, Safety Standard for Driverless, Automatic Guided Industrial Vehicles, Automated Functions of Manned Industrial Vehicles* and *ANSI/ITSDF B56.6-2021, Safety Standard for Rough Terrain Forklift Trucks*, provided that affected employers are permitted to continue to use powered industrial trucks manufactured before the effective date of the final rule.

The proposed rule indicates that OSHA is considering allowing employers to use powered industrial trucks manufactured before the effective date of the final rule, as long as the employer can demonstrate that the design and construction of the truck is at least as protective as those designed and constructed in accordance with *ANSI B56.1-1969*, *ANSI/ITSDF B56.1-2020*, *ANSI/ITSDF B56.5-2019* or *ANSI/ITSDF B56.6-2021*. AWCI's primary concern is what employers will be required to do to demonstrate adequate design and construction of trucks manufactured before the effective date of the final rule. In the proposed rule, OSHA requests comment on what, if any, additional conditions should be required for an employer to make an equivalency showing for purposes of meeting the proposed alternative method of compliance. Specifically, the agency asks what should an employer be required to do to demonstrate that a truck is at least as protective as the design and construction requirements of the applicable ANSI standards. AWCI believes that construction employers must be permitted to rely solely on the truck manufacturers' certifications that the trucks are at least as protective

as the applicable ANSI standards. Wall and ceiling industry construction firms have neither the qualifications, nor the expertise necessary, to accurately evaluate their trucks and make appropriate determinations regarding their design and construction. Affected firms would be forced to acquire 3rd party professional engineering expertise for each make and model of truck they use. The requirement would be extremely costly, time consuming and burdensome for all construction employers, and particularly infeasible for smaller construction companies, which make up the vast majority of the nation's construction firms. AWCI believes that the onus should be on the manufacturers of the trucks to certify that their trucks are at least as protective as the applicable ANSI standards.

AWCI points out that there is precedent for requiring safety information from manufacturers in other OSHA standards. For example, the agency's Hazard Communication Standard requires chemical manufacturers to provide a Safety Data Sheet (SDS) for each chemical substance they produce. The SDSs provide employers and employees with hazard information and protective measures to be implemented when working with the product. The manufacturers are also required to update the SDSs as necessary to maintain accuracy. AWCI requests that OSHA consider requiring all affected powered industrial truck manufacturers to develop, produce and maintain an information sheet for each make and model of truck that would serve to confirm that each truck's manufacture and design is at least as protective as that of the applicable ANSI standards.

AWCI also supports OSHA's intent to address anticipated changes to the applicable ANSI standards in the future. However, the association's second concern is what will be required of construction employers to demonstrate that trucks designed and constructed in accordance with future national consensus standards provide the necessary, adequate protection. Construction firms are not equipped to make assessments regarding truck design and construction. AWCI urges OSHA to permit employers to rely solely on the manufacturers of the trucks by requiring them to evaluate each make and model, make accurate determinations regarding protection adequacy, and make the results of each truck's assessment readily accessible to employers electronically.

AWCI thanks OSHA for the opportunity to comment on the proposed rule and for considering the association's requests. If you have any questions, please contact Pete Chaney, AWCI Director of Safety, Health and Risk Management, at chaney@awci.org.

Sincerely,



Michael F. Stark, CAE
Chief Executive Officer