

OSHA Directives

STD 1-11.6A - Disparity Between 29 CFR 1910.178(c)(2)(vii) and Table N-1, 29 CFR 1910.178(c)(2)

- **Record Type:** Instruction
 - **Directive Number:** STD 1-11.6A
 - **Standard Number:** 1910.178(c)(2)
 - **Subject:** Disparity Between 29 CFR 1910.178(c)(2)(vii) and Table N-1, 29 CFR 1910.178(c)(2)
 - **Information Date:** 02/19/1979
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OSHA Instruction STD 1-11.6A February 19, 1979 Office of Compliance Programming

SUBJECT: Disparity Between 29 CFR 1910.178(c)(2)(vii) and Table N-1, 29 CFR 1910.178(c)(2)

A. Purpose. This instruction resolves a disparity between the context of 29 CFR 1910.178(c)(2)(vii) and Table N-1, Summary Table On Use Of Industrial Trucks In Various Locations, 29 CFR 1910.178(c)(2).

B. Scope. This instruction applies OSHA-wide.

C. Cancellation. OSHA Instruction STD 1-11.6, July 18, 1978, Office of Compliance Programming, (previously OSHA Program Directive #100-104) is canceled.

D. Action. For compliance purposes, OSHA permits the use of truck types referenced in 29 CFR 1910.178(c)(1), with certain limitations, as specified in the following paragraphs:

1. Truck types indicated in 29 CFR 1910.178(c)(2)(vii) as DY, EE and EX are allowed in all Class II, Division 2, locations.

2. Truck types designated as DS, ES, GS or LPS may be used in the following Class II, Division 2 locations, rooms and areas containing only closed spouting and conveyors, closed bins or hoppers, or machines and equipment from which appreciable quantities of dust would escape only under abnormal operating conditions; rooms or areas into which explosive or ignitable concentrations of suspended dust might be communicated only under abnormal operating conditions; rooms or areas where the formation of explosive or ignitable concentrations of suspended dust is prevented by the operation of effective dust control equipment; warehouses

and shipping rooms where dust producing materials are stored or handled only in bags or containers and other similar locations.

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E. Federal Program Changes. This instruction describes a Federal program change which affects State programs. Each Regional Administrator shall:

1. Ensure that this change is forwarded to each State designee.
2. Explain the technical content of the change to the State designee as requested.
3. Ensure that State designees are asked to acknowledge receipt of the plan change in writing, within 30 days of notification, to the Regional Administrator. This acknowledgment should include a description either of the State's plan to implement the change or of the reasons why the change should not apply to that State.
4. Review policies, instructions and guidelines issued by the State to determine that this change has been communicated to State program personnel. Routine monitoring activities (accompanied inspections, spotcheck visits, and case file reviews) shall also be used to determine if this change has been implemented in actual performance.

F. Background. In NFPA No. 505-1969, the source standard for 29 CFR 1910.178(b), (c) and (d), paragraphs 206b and 209a state that approved power-operated trucks designated as DS, ES, GS or LPS may be used in Class II, Division 2, hazardous locations, if permitted by the authority having jurisdiction. These acronyms are earmarked by asterisks in NFPA Table 1 to indicate "Permitted with approval of the authority having jurisdiction." Although OSHA, by 29 CFR 1910.178(c)(2)(vii), chose not to permit these designated industrial trucks for use in all Class II, Division 2, locations, their acronyms, nevertheless, were inadvertently left in the Table when the NFPA Table 1 became OSHA Table N-1. Moreover, the first sentence of 29 CFR 1910.178(c)(2) states: "For

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specific areas of use see Table N-1 which tabulates the information contained in this section." This statement is obviously inconsistent with the provisions of 29 CFR 1910.178(c)(2)(vii).

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