

August 22, 2006

Orenco Systems Inc.
Ken Makinson
Safety and Environmental Program Manager
814 Airway Avenue
Sutherlin, Oregon 97479

RE: Forklift fork extensions that exceed one and one half time the length of the standard equipped forks.

The following are comments from a 4/11/1997 federal letter of interpretation addressing powered industrial truck modifications and approval.

If the manufacturer is no longer in business, 29 CFR 1910.178(a)(4) requires that “Modifications and additions which affect the capacity and safe operation shall not be performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.” In the event that a powered industrial truck manufacturer has been sold to another company and is no longer in business, the user or customer must contact the purchasing company to request approval. In the event that the original powered industrial truck is longer in business and has not been purchased by another entity, the user or customer would be required to contact a Qualified Registered Professional Engineer for approval of such modifications and additions.

Manufacturers who are currently in business usually are reluctant to provide written approval due to liability consideration, however employers must seek written approval for the modification(s). If no response or a negative response is received from the manufacturer, OSHA (and OR-OSHA) will accept a written approval of the modification/addition from a Qualified Registered Professional Engineer. A Qualified Registered Professional Engineer must perform a safety analysis and address any safety and/or structural issues contained in the manufacturer’s negative response prior to granting approval. Machine data plates must be changed accordingly.

Sincerely

Peggy A. Munsell, Manager
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