



MNOSHA Instruction **STD 1-11.5**

August 29, 2017

Reissued in accessible format: January 26, 2022

## **SUBJECT: Use of Wheel Chocks and Front End Support on Trucks and Trailers Boarded by Powered Industrial Trucks**

### **Purpose:**

To standardize enforcement of 29 CFR 1910.178(k)(1) and/or (m)(7).

### **Scope:**

This instruction applies MNOSHA-wide

### **Cancellation:**

This instruction cancels MNOSHA Instruction STD 1-11.5, dated December 16, 2010.

### **References:**

1. **1910.178(a)(1) and ANSI B56.1-1969** identify powered industrial trucks as equipment used for handling material, including platform lift trucks, motorized hand trucks and other specialized industrial trucks. The standard is not limited to the type of vehicle commonly known as a "forklift".
2. **29 CFR 1910.178(k)(I)** refers to wheel "chocks" being placed under the rear wheels of highway trucks being boarded with powered industrial trucks. This section also requires brakes of the truck to be set. Trailers have brakes which are automatically set when the air is released, which reduces the probability of the trailer moving away from the dock.
3. **1910.178(m)(7)** refers to wheel "blocks" being in place to prevent movement of trucks, trailers, or railroad cars while loading or unloading.

4. **ANSI/ITSDF B56.1-2012, sections 4.14.1 and 5.2.15** also refers to "chocks." The plural terminology of "chocks" indicates the need to use more than one chock.
5. Federal OSHA Instruction CPL 02-01-030, "Chocking of Tractor Trailer under the Powered Industrial Truck Standard," issued October 19, 1999, cancels former Federal OSHA Instruction STD 1-11.5 (10/30/78) which exempted trucks and trailers regulated under the Motor Carrier Act (motor carriers engaged in interstate commerce) from the requirements of 1910.178. The STD was based on a Review Commission decision which said OSHA was pre-empted from enforcing its regulations on these trucks because they were covered by Department of Transportation (DOT) parking and brake system rules. In June, 1998, the Office of Motor Carrier Safety in the Federal Highway Administration rescinded those rules. Federal Instruction CPL 02-01-030 advised CSHOs to enforce 1910.178 for trucks and trailers except agricultural commodity trailers, heavy haulers, and pulpwood trailers which are regulated by DOT. These exempted vehicles may be cited in "circumstances where the vehicle is not a commercial motor vehicle for the purposes of DOT jurisdiction."
6. In April, 2001, the Federal Motor Carrier Safety Administration (FMCSA) informed OSHA that its braking regulations preempted OSHA from enforcing 1910.178(k)(1) and 1910.178(m)(7) for commercial motor vehicles. A memo reflecting FMCSA's position was issued to all Regional Administrators on April 20, 2001. In April 2002, a federal memo advised that a warning message will appear when 1910.178(k)(1) and (m)(7) are accessed in the CSHO Application software. That message warns that the FMCSA braking regulations pre-empt OSHA from enforcing these standards for chocking/blocking of trailers while they are being boarded by powered industrial trucks.
7. **Federal OSHA STD 01-11-007, 8/5/81** allows the use of mechanical devices to secure trucks to loading docks as an effective alternative to using wheel chocks.

## **ACTION:**

NOTE: Section 4(b)(1) of the Occupational Safety and Health Act of 1970 (the Act) bars the application of the Act to working conditions regulated by other federal agencies. The Federal Motor Carrier Safety Administration's (FMCSA's) braking regulations in 49 CFR Part 393, Subpart C, preempt OSHA from enforcing 29 CFR 1910.178(k)(1), requiring the chocking of highway trucks while they are being boarded by powered industrial trucks, and 29 CFR 1910.178(m)(7), requiring the blocking of trucks, trailers, or railroad cars while loading or unloading, against operators of commercial motor vehicles (CMVs). Therefore, if the trailer in question is a CMV, as defined in 49 U.S.C. §31132(1), OSHA would not enforce its chocking requirements. That section defines a "commercial motor vehicle" as, among other things, "a self-propelled or towed vehicle used on the highways in interstate commerce... if the vehicle (A) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater... or ... (D) is used in transporting materials found by the Secretary of Transportation to be hazardous under section 5103 of this title and transported in a quantity requiring placarding under regulations prescribed

by the Secretary under section 5103." However, if the trailer is not considered a CMV, MN OSHA would enforce its chocking requirements.

In April 2001, Federal OSHA decided to stop citing 1910.178(k)(1) and 1910.178(m)(7) in response to the Federal Motor Carrier Safety Administration's notice that FMCSA's braking regulations preempted OSHA from enforcing these provisions for commercial motor vehicles. OSHA's decision was based on a provision in the federal Occupational Safety and Health Act [Section 653(b)] which prevents OSHA from enforcing standards or regulations in areas where another federal agency exercises statutory authority. MNOSHA will continue to enforce the enforcement guidelines as outlined below for those vehicles not considered a Commercial Motor Vehicle.

- A. "Approved wheel chocks" may be any one of the commercially manufactured units made from rubber, plastic, steel or aluminum. Chocks made by the employer in similar shapes and sizes from any material, including wood, are acceptable. Chocks made from lumber must be a minimum of 4" x 4" (finished approximately 3 ½" x 3 ½") with one corner beveled to fit under the curvature of the tire. The lumber chock must be of sufficient length to span both wheels in a dual set on each side of the truck or trailer.
- B. If a truck or trailer boarded by a powered industrial truck is observed without approved wheel chocks in use, a serious citation will normally be issued. Factors such as an uphill grade from the dock, an attempt to block wheels with loose lumber, stones, or other material, and other circumstances that could affect the probability and/or severity of the situation may be considered by the OSHI and documented on the OSHA-1B Worksheet.
- C. If one wheel chock is used, blocking one tire of a dual set on one side of the truck or trailer, or if unapproved chocks are used, a non-serious citation will normally be issued. Factors such as compacted snow or ice on the ramp surface, an unpaved driving surface, or other circumstances that could affect the severity of the situation may be cause to increase the severity level to serious.
- D. If a positive mechanical means of securing a truck or trailer to a dock is used, wheel chocks are not required. However, the mechanical device must be in good repair, installed and maintained according to the manufacturer's specifications, and provide protection equivalent to wheel chocks.
- E. When powered industrial trucks are not used to load or unload trucks or trailers, chocks are not required. Brakes on the vehicle must be set.
- F. Fixed jacks may be necessary to support a semi-trailer during loading or unloading when the trailer is not coupled to a tractor. The support is normally a device that attaches in the center, front of the trailer, under the fifth wheel attachment point. The OSHI should determine if the support is necessary and/or adequate. Support is especially needed for single axle, shorter trailers commonly called "pup trailers". Also, the condition of the support dollies should be noted. A serious citation is to be issued if

it can be determined that the lack of the front support may cause the trailer to tip up, or the dollies to collapse, when boarded by a powered industrial truck.

- G. If the employer is using equipment other than a forklift to load/unload a truck or trailer, the OSHI must evaluate the activity for hazards and issue a citation based on the exposure to the employee.
- H. MNOSHA looks at exposure to employees as the determining factor for issuing citations. The exposure is normally to a dock or warehouse worker engaged in loading or unloading a truck or trailer. We will continue to cite employers who allow employees to load or unload unchocked vehicles using powered industrial trucks. We will generally not cite the truck/trailer owner unless the industrial truck operator is their employee and is the person exposed to the loading hazard.

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James Krueger, OMT Director  
For the MNOSHA Management Team

Distribution: OSHA Compliance and WSC Director

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