

NORTH CAROLINA DEPARTMENT OF LABOR  
OCCUPATIONAL SAFETY AND HEALTH DIVISION  
RALEIGH, NORTH CAROLINA

Standards Notice - 44

TO: All Supervisors, Consultants, Safety Officers, Industrial Hygienists and Staff  
SUBJECT: Upper and Lower Controls on Vehicle-mounted Elevating and Rotating Work Platforms

**A. Standards**

1. 29 CFR 1910.67(b)(1) Unless otherwise provided in this section, aerial devices (aerial lifts) acquired on or after July 1, 1975, shall be designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms", ANSI A91.2-1969, including appendix. Aerial lifts acquired for use before July 1, 1975, which do not meet the requirements of A91.2-1969 may not be used after July 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of A92.2-1969.
2. 29 CFR 1926.556(a)(1) Unless otherwise provided in this section, aerial lifts acquired for use on or after the effective date of this section shall be designed and constructed in conformance with the applicable requirements of the American National Standard for "Vehicle Mounted Elevating and Rotating Work Platforms", ANSI A92.2-1969, including appendix. Aerial lifts acquired before the effective date of this section, which do not meet the requirements of ANSI A92.2-1969, may not be used after January 1, 1976, unless they shall have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969.
3. 29 CFR 1910.67(c)(2)(ix) and 29 CFR 1926.556(b)(2)(ix) Articulating boom and extensible boom platforms, primarily designed as personnel carriers, shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. Controls shall be plainly marked as to their function. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.
4. 29 CFR 1926.955(e)(12) All aerial lifts to be used for liveline bare-hand work shall have dual controls (lower and upper) as required by paragraph (e)(12)(i) and (ii) of this section.
  - i. The upper controls shall be within easy reach of the employee in the basket. If a two basket type lift is used, access to the controls shall be within easy reach from either basket.
  - ii. The lower set of controls shall be located near base of the boom that will permit override operation of equipment at any time.

**B. Other References**

ANSI 92.2-1969, Section 4.3, "Controls". Articulating boom and extensible boom platforms primarily designed as personnel carriers shall have both platform (upper) and lower controls. Upper controls shall be in or beside the platform within easy reach of the operator. Lower controls shall provide for overriding the upper controls. All controls shall be plainly marked as to their function.

C. Definitions

1. "Aerial Device", 1910.67(a)(1), shall be any vehicle-mounted device, telescoping or articulating, or both, which is used to position personnel; and shall include, [1910.67(b)(1)] extensible boom platforms, aerial ladders, articulating boom platforms, vertical towers, and a combination of any of these.
2. "Combination Device" as referred to herein shall be any aerial device constructed or used so as to enable its application for work purposes in addition to personnel lifting and positioning.
3. "Primarily Designed" as used in this standards notice shall mean the intended purpose of the manufacturer, assembler, owner, or user of the aerial or combination device. Where multiple purposes exist, "primarily designed" shall mean that design, construction, or alteration of the aerial or combination device apparent or most representative of the employee exposure to the apparatus.

D. Discussion

Since the initial adoption of the OSHA Standards in 1972, there has been substantial confusion as to the requirement for upper and lower controls on vehicle-mounted elevating and rotating work platforms, especially on combination type or multipurpose equipment. This confusion continued after the adoption of the telecommunication standards in March of 1975. The use of such equipment is common in industries such as electrical transmission and distribution, telecommunications, tree trimming, outdoor advertising, and similar operations.

Up to this time, the procedure for determining the need for dual controls has been to consider the purpose for which the boom or other lifting equipment was "primarily designed". The problems with this approach are: (1) the term "primarily designed" has never been clearly defined; (2) the platform and associated lifting equipment may be used for a variety of purposes; and (3) the equipment may be altered or redesigned by the user to suit his particular needs. The main consideration in determining upper and lower control requirements should therefore be the application or use of the equipment package.

E. Interpretation

1. As stated in 29 CFR 1910.67 (c)(2)(ix) and 29 CFR 1926.556(b)(2)(ix), all equipment consisting of only elevating or rotating platform requires both upper and lower controls. This applies to equipment where the bucket is permanently attached or designed to remain in place at all times.
2. In accordance with 29 CFR 1926.955(e)(12) all aerial or combination devices used in liveline bare-hand work require both upper and lower controls be present.
3. Where multipurpose equipment, such as digger derricks and other combination devices, is involved, and the purpose for which such equipment was primarily designed is not clear, upper and lower controls shall be provided on each and every piece of such equipment on which the elevating and rotating platform of such equipment is being utilized for carrying personnel more than 50% of the time that such equipment is actually in use at job sites within any given 30 day period.
4. In determining the use of the equipment, interviews of the people actually using the device shall be utilized as well as discussion with management and reviews of any available records.
5. Equipment and operations involving vehicle-mounted elevating and rotating work platforms must also comply with all other OSHA standards applicable to that equipment or those operations.

F. Summary

In determining the requirement for upper and lower controls on combination type and multipurpose vehicle,

the procedure will be to ascertain the primary application of the piece of equipment when actually is use and to cite accordingly. Any aerial devices whose major purpose is to lift or position personnel, and any aerial or combination device used in liveline bare-hand work shall have both upper and lower controls in accordance with the applicable standards.

G. Inquiries

Questions on the content or application of this Standards Notice should be directed to the Safety and Health Engineering Section of the Office of Occupational Safety and Health, North Carolina Department of Labor.

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