



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-00-021B **EFFECTIVE DATE:** October 1, 2014

SUBJECT: Local Emphasis Program Health High Hazard - Top 100

REGIONAL IDENTIFIER: Region I

ABSTRACT

Purpose: This notice renews a Local Emphasis Program for programmed health inspections in multiple manufacturing and service industries (multiple NAICS Codes) to address health hazards identified from previous OSHA inspection health history data.

References: OSHA Instruction CPL 02-00-148, Field Operations Manual (FOM), January 9, 2009, revised April 22, 2011.
OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs and Experimental Programs, November 10, 1999.
OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
OSHA Instruction CPL 02-00-051- Enforcement Exemptions and Limitations under the Appropriations Act, November 28, 1998.

Expiration: This notice expires September 30, 2015.

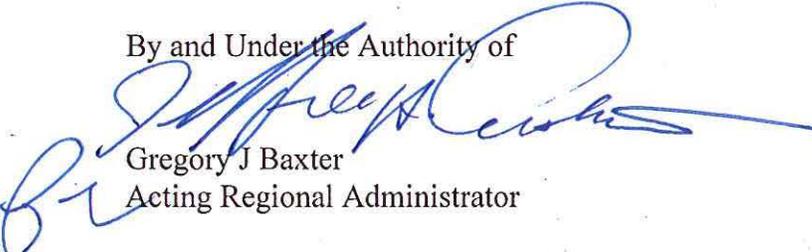
State Impact: Connecticut State OSHA will be made aware of this LEP.

Action Office: Hartford Area Office

Originating Office: Hartford Area Office

Contact: Warren Simpson
US DOL-OSHA
135 High Street, Room 361
Hartford, Connecticut 06103860-240-3152

By and Under the Authority of



Gregory J. Baxter
Acting Regional Administrator

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I. Purpose:

This notice implements a Local Emphasis Program (LEP) for programmed health inspections of various general industry worksites where workers have been documented, through previous inspection activity, to be exposed to various health hazards. Workers continue to be exposed to various health hazards in these workplaces and current inspection targeting programs limit our ability to address these hazards.

The LEP will be implemented in accordance with the provisions of the Field Operations Manual (FOM), Chapter 2, Section F and CPL 04-00-001. These work sites cannot be successfully reached using the present Site Specific Targeting (SST) system.

II. Scope: This notice applies to the Hartford Area Office.

III. Expiration: Unless extended by the Regional Administrator, this notice will expire on September 30, 2015.

IV. Background:

It is OSHA policy that inspections conducted as programmed inspections be primarily in the "high hazard" sectors of employment. The Agency considers a "high hazard" industry to be one within a NAICS code that has a National DART rate among the highest 100, as published by the Bureau of Labor Statistics (BLS) at the most detailed NAICS level published. The Site-Specific Targeting (SST) Program is the primary tool used by OSHA to direct enforcement resources to worksites where the highest rate of injuries and illnesses has occurred. The SST relies on establishment specific injury and illness rates. It is widely recognized that the incidence rates generated from OSHA Form 300 data, at both the industry and establishment levels, are primarily injury related and are not useful for identifying latent illness or disease. The incidence rates used to identify sectors and establishments with potential safety problems are not conducive for identifying sectors and establishments with potential health problems. In the area of health, the Agency uses previous enforcement history of serious health citations to identify high hazard health sectors. This LEP creates a mechanism to ensure that establishments in these particular sectors are targeted for inspection where current programs limit OSHA's ability to inspect these workplaces.

V. Procedures:

- A. The Area Director will review the health NAICS list provided by the National Office of Statistics. The health NAICS list is a statewide listing of industries with high average numbers of serious (including willful and repeat) health violations per inspection. A list will be provided with the top 100 health industries ranked by the industry's average number of serious health violations per inspection. The average number of serious health violations per inspection is calculated by dividing the number of serious health violations for the previous five calendar years in the industry by the number of health inspections conducted in the industry. A list of

establishments for each NAICS code on the health NAICS list within the Hartford Area Office jurisdiction will be provided by the National Office. This list will be in generated in a random order.

- B. Inspection cycles, for the inspection list, will be generated as needed by the Area Office. Within a cycle, the establishments may be scheduled and inspected in any order that makes efficient use of available resources. Before a new cycle is initiated all sites on the previous cycle need to be completed. Open cycles should be carried into the next fiscal year for as long as the LEP is in effect.
- C. All establishments that have received a comprehensive inspection in the last five years and where no high gravity serious, repeat or willful citations were issued in either the initial inspection or a follow-up inspection will be deleted from the inspection list. If a substantially complete or focused health inspection was conducted within the current or previous three fiscal years with no serious violations cited; or, where serious violations were cited, and an acceptable abatement letter or a follow-up inspection has documented "good faith" efforts to abate all serious hazards, the establishment will be deleted from the list.
- D. Under this LEP, all inspections will be comprehensive in scope. (Please see comprehensive in scope as defined in the Field Operations Manual (FOM) in Chapter 3 Inspection Procedures, III, Inspection Scope, paragraph A: Comprehensive: a substantially complete inspection of the potentially high hazard areas of the establishment. An inspection may be deemed comprehensive even though, as a result of the exercise of professional judgment, not all potentially hazardous conditions, operations and practices within those areas are inspected).
- E. All inspections conducted under this LEP will have the same priority as other LEP inspections.
- F. If there are less than 11 employees at the site, the CSHO shall proceed with the inspection, however, close attention will be paid to the limitations imposed by CPL-02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, using the most recent Appendix-A.
- G. The Area Director shall ensure that the procedures outlined in the notice are followed during the effective period of this notice. This notice is not to conflict with inspection priorities as established in the Field Operations Manual (FOM).
- H. When an inspection is not conducted because the employer has refused entry, the CSHO shall document the reason for this refusal, the Area Director shall be contacted immediately, and a warrant shall be sought in accordance with the current procedures for handling such refusals.

VI. Recording in OIS: Current instructions for completing the appropriate inspection classification boxes (items 24 and 25) on the OSHA-1, as found in the OIS manual shall be applied when recording inspections conducted under this LEP, as follows:

- A. The OIS equivalent OSHA-1 for any programmed inspections covered under this Local Emphasis Program for Health High Hazard TOP 100 shall be marked "Planned" in the dropdown field, and "Local Emphasis Program" in the dropdown field. Insert "3H100" in the space in item 25c.
- B. LEP Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with this LEP inspection under this initiative, the OIS equivalent OSHA-1 must be marked as "unprogrammed" in the dropdown field with the appropriate unprogrammed activity identified. In addition, the "LEP" in the dropdown field is to be checked and the value "3H100".
- C. LEP Combined with other Emphasis Program Inspections. For all programmed inspections such as other NEPs/LEPs conducted in conjunction with an LEP inspection under this initiative, the OIS equivalent OSHA-1 forms must be marked as "programmed planned" in dropdown field. In addition, the "LEP" field is to be checked and the value "3H100" recorded along with all NEP and LEP OIS codes applicable to the inspection.

VII. Program Evaluation: The Area Director shall submit a report on this LEP to the Regional Administrator, which will include activity and outcome measures. The report shall be submitted no later than October 15 of the Fiscal Year the LEP is in effect. The evaluation report will include the criteria in Appendix-A of CPL 04-00-001. In addition, the following evaluation factors will be included in the report:

- Number of violations relating to employee exposures above the permissible exposure limit or action level for air contaminants and noise;
- Number of respirator violations and training violations for any health standards;
- Number of violations issued related to noise hazards.

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Performance appraisals are due in OASAM by 10/30/2014. Timely submission of appraisals will facilitate timely processing of performance awards. To facilitate meeting this deadline, we recommend the following timeline for the end of year appraisal process.

9/15/2014 Request employee input on their work accomplishments for their performance appraisal.

9/29/2014 Discuss ratings with reviewing official.

10/6/2014 Provide employees the appraisal. Allow 14 calendar days to review, sign or prepare comments to the rating or reviewing official

10/20/14 Reviewing official considers comments, if any, and finalizes the appraisal

NLT 10/30/14 Submit appraisals to OASAM. Please submit appraisals on a flow basis as they are completed. Do not wait until all appraisals have been completed to submit them.

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