ABSTRACT

Purpose: This notice renews a region-wide local emphasis program (LEP), OSHA Regional Instruction CPL 04-00-022, effective May 7, 2012 entitled Region-wide Local Emphasis Program for the Scrap, Waste and Refuse Industries.

Scope: This notice applies to operations which may expose employees to the hazards associated with the Scrap, Waste and Refuse Industries. The operations covered by this LEP are located within the jurisdiction of Region 1 Area Offices.

References:
1. OSHA Instruction CPL 2.251, Scheduling System for Programmed Inspections, January 4, 1995.
2. OSHA Instruction CPL 04-00-0001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
3. OSHA Instruction CPL 02-00-148, Field Operations Manual (FOM), April 22, 2011.
4. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act, revised Appendix A effective December 23, 2011.

Cancellations: None

State Impact: None
Action Office: All area offices – Region 1.

Originating Office: Boston Regional Office

Contacts: Amee Bhatt, Assistant Regional Administrator
Enforcement Programs & Technical Support
John F. Kennedy Federal Bldg., Room E-340
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By and Under Authority of:

[Signature]

Gregory J Baxter
Acting Regional Administrator
Executive Summary

This notice renews a region-wide local emphasis program (LEP), OSHA Regional Instruction CPL 04-00-022, effective May 7, 2012 entitled Region-wide Local Emphasis Program for the Scrap, Waste and Refuse Industries. The intent of this regional local emphasis program is to identify safety and health hazards in the operation of Scrap, Waste and Refuse Industries; to provide outreach to subject employers; and to target, schedule and inspect stationary workplaces where Scrap, Waste and Refuse materials are processed.

Significant Changes

None
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I. **Purpose.** This notice establishes and implements a region-wide local emphasis program (LEP) for the purpose of scheduling and conducting inspections in the Scrap, Waste and Refuse Industries to address the hazards associated with handling, processing, breaking up, sorting and/or treating waste material(s), scrap metal(s) and similar recyclable goods (plastic, wood, glass, etc.). This LEP is not intended for mobile workplaces and will not entail conducting inspections of vehicles while on the road.

Scrap, Waste and Refuse employers covered by the LEP will be those within North American Industrial Classification System (NAICS) code 423930, 562212 and 562920. NAICS code 423930 is comprised of establishments primarily engaged in assembling, breaking up, sorting and wholesale distribution of scrap and waste materials. This industry includes auto wreckers engaged in dismantling automobiles for scrap. However, those engaged in dismantling cars for the purpose of selling secondhand parts are classified in NAICS code 423140 and are not included in this LEP. NAICS code 562212 consists of establishments primarily engaged in operating landfills for the disposal of nonhazardous solid waste or the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste. Establishments primarily engaged in collecting and transporting refuse without such disposals are classified in NAICS code 562111 and are not included in this LEP. NAICS code 562920 consists of establishments engaged in separating and sorting recyclable materials from nonhazardous waste streams and/or operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

II. **Scope.** This notice applies to operations which may expose employees to the hazards associated with the Scrap, Waste and Refuse Industries. This notice applies to all OSHA Federal area offices located in Region 1 except the Braintree Area office.

III. **References.**


B. OSHA Instruction CPL 04-00-0001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.

C. OSHA Instruction CPL 02-00-148, Field Operations Manual (FOM), April 22, 2011.

D. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act, revised Appendix A effective December 23, 2011.


IV. **Effective Date.** This notice renewal will be effective on October 1, 2014.
V. **Expiration.** Unless extended by the Regional Administrator, this LEP will expire on September 30, 2015.

VI. **Background.** In accordance with Goal 2.1 of OSHA’s Five Year Strategic Plan, Fiscal Year 2011 to 2016, which requires OSHA to “secure safe and healthy workplaces, particularly in high-risk industries,” this LEP targets the Scrap, Waste and Refuse Industries, which meets the definition of a high risk industry based on historical injury and illness statistics and severity of those occupational injuries. The latest injury and illness data available from the Bureau of Labor Statistics (BLS, 2011) shows that establishments operating solid waste landfills (NAICS code 562212) has a total injury and illness incident rate of 4.8 (the national average incidence rate for all private-sector industry is 3.5) and a days away, restricted, or transfer incidence rate (DART) of 3.7 (the national average for all private-sector industry is 1.8). For establishments operating materials recovery facilities (NAICS code 562920), the latest BLS injury and illness data available (2011) shows a total injury and illness incident rate of 5.4 and a DART rate of 3.5.

The latest injury and illness data available from the BLS (2011) for establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials (NAICS code 423930) show a total injury and illness incident rate of 5.9 and a DART rate of 3.5.

In fiscal years 2007-2011, Federal OSHA has investigated 113 accidents in the refuse systems industry group as a whole nationally, of which 84 were fatal. Four of the 84 fatalities occurred in Region 1, in addition to several very serious, non-fatal accidents.

For example, in April 2007, an employee was killed when he was caught behind the compactor blade of a refuse truck, which was retracting to the start position. Several lockout/tagout citations were issued.

In September 2009, a fatality occurred at a scrap and waste yard where a powered industrial truck (PIT) operator was killed when the PIT overturned. The seat belt assembly did not operate properly and the operator was caught between the top of the rollover protective structure (ROPS) and the ground. Multiple PIT citations were issued as a result.

Another fatality incident occurred in September 2009 at a solid waste and recycling facility where an employee was working at the rear of the trash compactor replacing a hydraulic hose. The employee was behind the compactor unit when a roll-on/roll-off truck backed into the loading dock where the compactor was housed. The truck then lifted its bed and reversed, in order to push the compactor up to the loading dock. The employee was out of the truck driver’s field of view and was caught between the loading dock and the compactor and was subsequently crushed to death.

In May 2009, an employee attempted to remove a tire chip from the underside section of a moving conveyor belt at a used tire processing facility. The employee’s hand was pulled in between the belt and roller, and he sustained multiple fractures and lacerations to his right hand and forearm resulting in hospitalization. The employer had inadequate machine guarding and lacked a lockout/tagout program.
In November 2010, a metal recycling worker was trying to free a piece of metal from a magnetic drum while the machine was in full operation. The employee used a metal pry bar which somehow caught the machine's spinning drum and struck him in the side of the head. The employee sustained a fractured skull and bleeding of the brain. The employer did not have a lockout/tagout program in place.

Another severe accident occurred at a metal recycling facility in September 2011 after three employees were assigned to repair a trommel, which is an enclosed horizontal tube that rotates and dispenses scrap material at one end onto a conveyor. The employees had difficulty with the jog switch and one of the workers went to seek help from a manager. In the mean time, the other two employees entered the trommel, which began to operate and rotate with the employees inside causing significant injuries to each employee. The employer had an inadequate lockout/tagout program and confined space entry program.

Workers are exposed to numerous hazards in the Scrap, Waste and Refuse Industries including: entering confined spaces, struck-by hazards from the operation of powered industrial trucks and earth-moving equipment, mechanical and electrical hazards from improper or inadequate lockout/tagout protocols, point of operation machine guarding, falls from unprotected heights, electrical installation hazards, industrial noise exposure, respiratory hazards, emergency egress, fire prevention, personal protective equipment, and inadequate hazard communication.

The intent of this LEP is to increase awareness of the significant health and safety hazards in these industries that can cause or have caused severe injury or death to employees, and to encourage employers to take steps to correct these hazards, thereby reducing potential injuries and deaths.

VII. Program Procedures.

A. Outreach and Compliance Assistance Activities: Each Area Director will provide outreach activities to appropriate stakeholders to explain this LEP and the hazards associated with the Scrap, Waste and Refuse Industries. Stakeholders and companies within the jurisdictional boundary of each Area Office utilizing NAICS codes 423930, 562212 and 562920 will be mailed a notification of the LEP. Information on the State 21(d) OSHA Consultation Program will also be included in the mailing. Although it is expected that outreach activities will continue throughout the duration of the LEP, initial outreach activities were conducted prior to July 1, 2012, at which time enforcement activities will commence.

B. Inspection Deferrals: If an employer requests an on-site consultation visit from the 21(d) State Consultation Program and that visit is in progress, OSHA will withdraw from the premises until the consultation visit has been completed. Consultation visits are considered “in progress” from the beginning of the opening conference to the end of the correction due dates (including extensions).

C. Inspection Scheduling: A list of establishments in the targeted NAICS codes within Region 1 will be obtained from the Directorate of Evaluation and Analysis (DEA) by the Regional Office. Each establishment on the list will be assigned a sequential
number, starting at the top of the list with number one, and a random numbers table referenced in OSHA Instruction CPL 02-00-025 will then be applied. The Regional Office will then distribute the list to the Area Offices, and inspection cycles for the inspection lists will be generated, as needed. If the number of establishments available is less than five, all establishments will be included on the list.

Sites that have had a comprehensive safety inspection within the past 24 months (e.g. Site Specific Targeting (SST) inspection) will be removed from the list prior to making the selections for a given year, unless the Area Director, using his/her discretion, has a compelling reason to believe that another inspection is justified.

If, throughout the duration of this LEP, an establishment falling within the targeted NAICS codes becomes known, it will be numbered and added at the end of the primary establishment list and will be eligible to be inspected if randomly selected for inclusion in a subsequent inspection cycle.

Within a cycle, the establishments may be scheduled and inspected in any order that makes efficient use of available resources. When a cycle is completed, the Area Office may generate a new cycle. All of the establishments in a cycle must be inspected before any establishments in a new cycle may be inspected. Carryovers will be allowed, as provided in OSHA Instruction CPL 2.25I, at paragraph B.1.b.(1)(e).

A minimum of one inspection cycle per year will be conducted by each Area Office. All selected companies, regardless of size, will be inspected including establishments which employ fewer than ten employees, as these employers are not currently exempted under the Appropriations Act per CPL 02-00-051 (Appendix A dated December 23, 2011). Furthermore, employers with fewer than ten employees would not be captured under existing inspection programs (e.g. SST).

Inspections conducted under this LEP will be comprehensive safety inspections. All guidelines in the current FOM regarding CSHO referrals shall be followed. Based upon information obtained during the safety inspection, if a health inspection is warranted, a referral will be made to the Area Director for appropriate action. Industrial hygienists shall be prepared to perform personal air monitoring, if required, at the onset of the inspection and are strongly encouraged to monitor their own exposure to hazardous chemicals.

D. Programmed Inspections: Some establishments may be selected for inspection under the current SST plan or under one or more other OSHA enforcement initiatives (National Emphasis Program (NEP) or LEP). This LEP, which is based on exposure hazards in the Scrap, Waste and Refuse Industries, shall be run concurrently with the SST plans.

Whenever an establishment is scheduled for inspection on the current cycles of both this LEP and the current SST inspection plan, the inspections may be scheduled at the same time. Other NEPs and/or LEPs may also run concurrently with this LEP. CSHOs shall use all IMIS codes applicable for the inspection.
E. **Unprogrammed Inspections**: This LEP will not affect the selection of inspections of employers subject to this LEP under existing OSHA programmed and unprogrammed activities. Imminent danger, fatality/catastrophe, and formal complaints will be scheduled in accordance with current OSHA policy. Inspections initiated as a result of a referral, complaint, accident, fatality, or a catastrophe will be expanded to include a comprehensive inspection of the facility under this LEP, unless it has had a comprehensive safety inspection within the past 24 months.

**VIII. Inspection Procedures.**

A. **Scope**: The scope of the inspections conducted under this LEP shall generally be comprehensive safety inspections. Experienced and trained Health Compliance Officers may conduct inspections at the discretion of the Area Director. Any potentially serious health hazard(s) will be appropriately referred within the area office.

B. **Safety and Health Considerations for CSHOs**: Inspections under this LEP are to be conducted by CSHOs who have received the necessary training on the LEP and the hazards associated with the Scrap, Waste and Refuse Industries. The Area Director will ensure that appropriate training is provided to the Area Office staff. CSHO personal protective equipment such as respirators, gloves, eye-protection, hearing protection, steel-toed shoes, etc., will be selected based on the above information and will be worn during the course of the inspection.

C. **Opening conference**: The CSHO shall determine if the employer processes, handles, sorts, stores or receives bulk shipments of waste, recyclable materials or refuse either from company-owned vehicles or from a third party. If it is determined that the employer processes, handles, sorts, stores or receives these bulk materials, a comprehensive safety inspection will be conducted. The table in Appendix B can be consulted when determining an employer's NAICS code. Note: NAICS code 425120 (wholesale trade agents and brokers) is not included in this LEP.

**IX. IMIS Coding Instructions.** Inspections conducted under this LEP will be identified in the OSHA IMIS or OIS as follows:

A. The OSHA-1 for any programmed inspection under this LEP shall be marked as "PLANNED" in Item 24h., and as "SCRAP" in Item 25c. CSHO referrals are to be recorded as programmed related inspections.

B. The OSHA-1 for any unprogrammed inspection conducted under this LEP shall be appropriately marked as the specific unprogrammed activity (i.e. complaint, referral, fatality) in Item 24h. In addition, it shall be marked as "SCRAP" in Item 25c. Complaints and referrals from outside Federal OSHA are to be recorded as unprogrammed inspections.

**X. Program Evaluation.**

The Area Director shall submit a report on this LEP to the Regional Administrator, which
will include activity and outcome metrics. 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 2-0.102A, including the following:

- Number of inspections;
- Percent of violations cited that are serious;
- Number of employees covered by inspection;
- Dollar amount of penalties assessed;
- Average violations per inspection;
- Overall list of standards cited;
- Number of employees removed from exposure; and
- Abatement measures implemented.

The report will also include:
- Number of 21(d) State Consultation requests;
- Number of deferrals;
- Number of health referrals made under the LEP; and
- Number of overexposures and abatement measures implemented.
Appendix A

Dear Employer,

The Scrap, Waste and Refuse Industries present a number of hazards to the thousands of employees in this occupation. The latest injury and illness data available from the Bureau of Labor Statistics (BLS) shows that there were almost 11,000 job-related injuries and illnesses in 2010. During the last five fiscal years, Federal OSHA has performed 84 fatal accident investigations in the Scrap, Waste and Refuse Industries across the country. In New England, four employees in the Scrap, Waste and Refuse Industries were fatally injured from 2006 through 2011. In addition, there has been a multitude of very serious, non-fatal accidents. Potential risks for these workers include, but not limited to:

- mechanical, engulfment and oxygen-deficiency hazards from bodily entering confined spaces without proper entry protocols;
- struck-by hazards from the operation of powered industrial trucks and earth-moving equipment;
- mechanical and electrical hazards from improper or inadequate lockout/tagout protocols;
- amputations and crushing injuries from inadequately guarded process machines, conveyor belts and power transmission equipment;
- lacerations, abrasions and eye injuries from inadequate personal protective equipment;
- broken bones and disabling injuries from falls of unprotected heights;
- shock hazards from inadequate or deficient electrical installations;
- hearing damage from overexposure to industrial noise; and
- health hazards from overexposure to lead and cadmium.

The Occupational Safety and Health Administration (OSHA) Boston Regional Office has created a region-wide Local Emphasis Program designed to reduce occupational injuries, illnesses, and fatalities among Scrap, Waste and Refuse Industries workers through direct interventions by the Agency. This mailing is being sent to you because your company has been identified as being engaged in Scrap, Waste and Refuse Industries within Region 1 (New England) jurisdiction.

All employers are encouraged to utilize the free consultation services provided by the State OSHA Consultation Program in your state. The State OSHA Consultation Program provides occupational safety and health services that are funded by Federal OSHA and are available to eligible employers (establishments with 250 or fewer employees) at no cost. The safety and health professionals in the State OSHA Consultation Program will conduct, at your request, a free on-site safety and health evaluation of your establishment. All employers who avail themselves of this service will be required to abate all serious hazards identified during the consultation visit and to provide the consultation service with verification that these hazards have been abated. Additional information concerning the State OSHA Consultation Program is included with the informational materials accompanying this letter, and is available on OSHA’s On-Site Consultation webpage at

It is OSHA’s mission to promote safe and healthful working conditions for the nation’s work force. OSHA shares each employer’s goal of eliminating workplace fatalities and reducing occupational injuries and illnesses to the maximum extent practicable. We look forward to working with you toward this common objective.

Sincerely,

Area Director
## Consultation Program Offices in Region I

<table>
<thead>
<tr>
<th>State</th>
<th>Office Name</th>
<th>Address 1</th>
<th>Address 2</th>
<th>Phone 1</th>
<th>Phone 2</th>
<th>Fax 1</th>
<th>Fax 2</th>
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<tbody>
<tr>
<td>CONNECTICUT</td>
<td>Connecticut Department of Labor and Health</td>
<td>38 Wolcott Hill Road, Wethersfield, CT 06109</td>
<td></td>
<td>(860) 263-6900</td>
<td>(860) 263-6940</td>
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<td></td>
<td>John Rosa, Program Manager</td>
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<tr>
<td>MAINE</td>
<td>Maine Bureau of Labor Standards, Workplace Safety &amp; Health Division</td>
<td>45 Commerce Drive, Augusta, ME 04333</td>
<td></td>
<td>(207) 623-7900</td>
<td>(207) 623-7938</td>
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<td></td>
<td>Steve Greeley, Program Manager</td>
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<tr>
<td>MASSACHUSETTS</td>
<td>Commonwealth of Massachusetts, MA Dept. of Labor Standards, Wall Experiment Station</td>
<td>37 Shattuck Street, Lawrence, MA 01843</td>
<td></td>
<td>(617) 626-6504</td>
<td>(978) 688-0352</td>
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<td>Kathy Flannery, Program Manager</td>
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<td>NEW HAMPSHIRE</td>
<td>Keene State College, RI Department of Health</td>
<td>229 Main Street, Keene, NH 03435</td>
<td></td>
<td>(603) 358-2465</td>
<td>(603) 358-2399</td>
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<td>Rick Rumba, Program Manager</td>
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<tr>
<td>RHODE ISLAND</td>
<td>RI Division of Occupational Health</td>
<td>3 Capital Hill, Providence, RI 02908</td>
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<td>(401) 222-7745</td>
<td>(401) 222-2456</td>
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<td>James Bruckshaw, Program Manager</td>
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<td>VERMONT</td>
<td>Project WorkSAFE, Vermont Dept. of Labor</td>
<td>252 Main Street, Suite 2, Hyde Park, VT 05655</td>
<td></td>
<td>(802) 888-0620</td>
<td>(802) 888-2598</td>
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<td></td>
<td>Scott Meyer, Program Manager</td>
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### Appendix B

**NAICS codes included in the Scrap, Waste and Refuse Industries LEP**

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>SIC Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>562212</td>
<td>4953</td>
<td>Establishments primarily engaged in (1) operating landfills for the disposal of nonhazardous solid waste or (2) the combined activity of collecting and/or hauling nonhazardous waste materials within a local area and operating landfills for the disposal of nonhazardous solid waste.</td>
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<tr>
<td>562920</td>
<td>4953</td>
<td>Establishments primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.</td>
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<tr>
<td>423930</td>
<td>5093</td>
<td>Establishments primarily engaged in the merchant wholesale distribution of automotive scrap, industrial scrap, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.</td>
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