



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2015- 10 (CPL 2)

EFFECTIVE DATE: October 1, 2014

SUBJECT: Local Emphasis Program – Health High Hazard - Top 50

REGIONAL IDENTIFIER: Region 2

ABSTRACT

Purpose: This regional notice implements 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: CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), 11/10/1999.
CPL 02-00-0025, Scheduling System for Programmed Inspections, 01/04/1995.
CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, 5/28/1998.

Expiration: This notice expires September 30, 2015.
EXCEPTION: Any inspection begun prior to September 30, 2015 may continue until conclusion.

State Impact: None

Action Offices: All Region II Area Offices

Originating Office: Office of Regional Administrator

Contact: Office of Regional Administrator (212)337-2378
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By and Under the Authority of

Robert D. Kulick
Regional Administrator

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I. Purpose.

This regional 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 in these particular establishments. In addition, long latency periods from exposure to hazardous contaminants to symptom onset prevent a timely response. This LEP will assist in developing an inspection targeting system to identify those worksites with health hazards.

II. Scope. This notice applies to all Region II Offices.

III. Expiration. This notice expires on September 30, 2015.

EXCEPTION: Any inspection begun prior to September 30, 2015 may continue until its conclusion.

IV. Background.

This LEP targets health hazards. Occupational diseases often manifest themselves after a delay from the time of exposure, especially for chronic conditions. Therefore, relying on injury and illness data is not adequate to identify and target these hazards. Instead, a mix of historical data (sorted by NAICS code) may be used including exposures data and violations of health-related standards. For purposes of this LEP, the National Office ranks existing health inspection data by the number of serious violations of health standards issued per inspection. The top 200 of these establishments, identified by their NAICS code, are then placed in order and ranked from 1 to 200, thereby developing the top 200 high health hazard industries. The National Office will then generate a randomized list of establishments for inspection by a specific Area Office containing the top 50 high health hazard NAICS codes.

Implementation of this LEP will help OSHA achieve its strategic goal to "Secure safe and healthy workplaces, particularly in high-risk industries".

V. Action. The Area Directors shall ensure that the procedure outlined in the notice is 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).

When an inspection is not conducted because the employer has refused entry, the CSHO shall document the reason for this refusal, FEO shall be contacted immediately, and a warrant shall be sought in accordance with the current procedures for handling such refusals.

VI. Procedures.

- A. The Area Director will review the establishment list provided by the National Office of Statistics. All establishments inspected (health comprehensive) within the last 3 years will be deleted.
- B. If not already done so by the National Office, when performing programmed inspections under this LEP, each Area Office shall develop an inspection master list of establishments. The National Office policy on List Generation and Randomization shall be followed in accordance with the National Office memorandum to Regional Administrators dated November 12, 2014, *Establishment-Targeting Lists for Emphasis Programs*.
- C. Where establishments are found on more than one NEP and/or LEP list (such as SST/SILICA /LEAD) the Area Office shall conduct one comprehensive health inspection to satisfy all the requirements of all of these programs. The OSHA Inspection Report shall then be coded for each inspection with all applicable codes.
- D. The Area Director will select a reasonable cycle size that is appropriate based on existing resources and must ensure that all selected sites are inspected. 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 if the LEP is renewed. An establishment list from the National Office shall be obtained at least every three years to ensure that the list is current.
- E. 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 at paragraph III 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.")
- F. If there are less than 11 employees at the site the CSHO shall proceed with the inspection, however, please be aware of the limitations imposed by CPL-02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.
- G. In addition to the permanent employees found at the establishment, recent inspection reports and activity has identified the use of temporary workers in many of the above targeted industries. Temporary workers are more vulnerable to workplace safety and health hazards as they are often not given adequate safety and health training, equipment, and explanation of their job tasks and duties. At the opening conference compliance officers shall obtain the necessary information regarding the presence and/or use of temporary workers. If temporary workers are present or utilized at the establishment the compliance officer shall obtain all the necessary documentation and information required to evaluate the safety and health program relating to temp

workers and determine compliance with OSHA regulations in providing a safe and healthful workplace for these workers. The compliance officer shall refer to the current National Office guidance found on the Temporary Worker Page to conduct these inspections.

VII. Recording in OIS. Current instructions for completing the appropriate inspection classification boxes on the OSHA Inspection Report as found in the OIS manual shall be applied when recording inspections conducted under this LEP, as follows:

- A. The OSHA Inspection Report for any programmed inspections covered under this Local Emphasis Program for Health High Hazard TOP 50 shall be marked "Program Planned" in the Initiating Type field and insert "HHHT50" in the Local Emphasis Program field.
- B. LEP Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with this LEP inspection under this initiative, the OSHA Inspection Report must be marked with the appropriate unprogrammed activity in the Initiating Type field. In addition, the value "HHHT50" shall be recorded in Local Emphasis Program field of the OSHA Inspection form and the Unprogrammed Activity form.
- 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 OSHA Inspection Report must be marked as "Program Planned" in the OSIIA Inspection form. In addition, the value "HHHT50" shall be recorded the Local Emphasis Program field along with all NEP and LEP OIS codes applicable to the inspection.

VIII. Outreach

Region II will develop an outreach plan which will implement programs that will support the efforts of the Agency in meeting the Strategic Plan/Operating Plan goals. Such programs could include speeches, training sessions, or news releases to our constituents such as unions, professional organizations, and community groups. Inspections may be initiated independent of any outreach being conducted.

IX. Evaluation.

- A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.
- B. Each Region II Office participating in the LEP will prepare a written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001. The evaluation must respond to the questions outlined in Appendix A of the

Instruction. Evaluations will be submitted to FEO no later than September 15, 2015. The evaluation will include a recommendation for the continuation or elimination of this program. In addition, the evaluation will include the following evaluation factors:

1. The goal of the program and the Area Office's opinion of how effective the program was in meeting its goals.

2. Data and information used to support the conclusions stated above such as enforcement statistics, serious hazards eliminated, any impact on covered, non-inspected employers, and the number of employees affected by enforcement activities covered by the LEP. Data to be evaluated may also include:

- a. Number and percentage of serious, repeat, 5(a)(1) and willful violations cited
- b. Number and type of violations issued directly related to hazards targeted by the LEP
- c. Number of fatality inspections
- d. Number of visits coded as "No Inspection"
- e. Number and type of referrals made to other agencies
- f. Number of outreach activities conducted
- g. Number of employers contacted through outreach
- h. Number of individuals affected through outreach