



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** 2017-10 (CPL 04) | **EFFECTIVE DATE:** October 1, 2016

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**SUBJECT:** Regional Emphasis Program for the Retail Industry

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**REGIONAL IDENTIFIER:** Philadelphia Region III

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## ABSTRACT

**Purpose:** This notice continues a Regional Emphasis Program for the Retail Industry with OSHA General Industry Standards focusing on Subpart E, Means of Egress, Subpart N, Material Handling and Storage, and Subpart S, Electrical.

**Scope:** This Notice applies to the Wilkes-Barre Area Office

**References:** [CPL 02-00-160, Field Operations Manual \(FOM\)](#)  
[CPL 04-00-001, Procedures for Approval of Local Emphasis Programs \(LEP\)](#)  
[CPL 02-00-025, Scheduling System for Programmed Inspections](#)  
[CPL 02-00-051, Exemptions and Limitations Under the Appropriations Act](#)

**Cancellations:** None

**State Impact:** None

**Action Offices:** Wilkes-Barre Area Office

**Originating Office:** Philadelphia Regional Office

**Contact:** Michael Rivera, Deputy Regional Administrator  
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By and Under the Authority of:

Richard Mendelson  
Regional Administrator

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- I. Purpose. This Notice continues a Regional Emphasis Program (REP) for programmed safety inspections of employers in the Retail Industry with a NAICS code listed in Appendix A. This would affect all establishments with 10 or more employees within the jurisdictional boundaries of the Area Office. The inspections will be comprehensive safety inspections focusing on hazards associated with Subpart E *Means of Egress*, Subpart N *Material Handling and Storage*, and Subpart S *Electrical*. All areas within the retail establishment including the warehouse and store rooms will be inspected. The REP will be conducted in accordance with the provisions of the Field Operations Manual (FOM). Additionally, this REP provides for outreach efforts for employers within the NAICS codes listed in Appendix A, to occur 3 months prior to the initiation of inspection activities.
- II. Scope. This Notice applies to Retail Industry establishments within the jurisdictional boundaries of the Wilkes Barre Area Office.
- III. Action. The Regional Administrator and the Area Directors shall ensure that the procedures established in this instruction are adhered to in the scheduling of programmed inspections. This notice is not to conflict with inspection priorities as established in the FOM.
- IV. Expiration. This Notice will expire September 30, 2017 and may be renewed based on the program's evaluation at that time.
- V. References.
  - A. [OSHA Instruction CPL 02-00-160, Field Operations Manual \(FOM\), dated August 2, 2016.](#)
  - B. [OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs \(LEPs\), November 10, 1999.](#)
  - C. [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.](#)
  - D. [OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, dated May 28, 1998. \(Change effective 5/27/2014 Appendix A\).](#)
  - E. [OSHA Instruction CPL 2-0.125 Home Based Worksite, dated February 25, 2000.](#)
- VI. Background. Recent OSHA inspections demonstrate that employees in the retail industry sector face a significant risk of injury from the improper storage of materials, fire hazards, obstructed means of egress, and electrical hazards. Sales associates are often exposed to hazards such slips, trips and falls, struck by, and amputations. Inspections at retail chain stores have repeatedly documented safety violations.

Federal OSHA's Integrated Management Information System (IMIS) reports show that violations of Subpart E *Means of Egress*, Subpart N *Material Handling and Storage* and Subpart S, *Electrical* were most often cited in the Retail Industry sector during

inspections within recent years. An analysis of enforcement data identified violations related to electrical: material handling; design, construction and maintenance of exit routes; and powered industrial trucks ranked among the top 10 of the most frequently cited violations cited by Federal OSHA during the period October 2012 through September 2014.

Employee complaints of unsafe work conditions generated many of the significant enforcement actions taken by OSHA. This type of Unprogrammed activity is reactive in nature and dependent upon the exposed employees to recognize a hazardous condition and report it. This Regional Emphasis Program seeks to proactively inspect for such conditions via randomized inspections of establishments, focusing on the type of serious hazards typically identified in stores. Stock is often stored in an unsafe manner, subjecting employees to being struck by falling material or blocking exit routes. Unsafe wiring or other electrical hazards may present a danger in itself, and can also potentially trigger fires exacerbated by the material storage and egress issues.

VII. Inspection Procedures.

- A. Site Selection List. The Area Office will each develop a master list arranged alphabetically of employers within the jurisdiction of the Area Office listed in Appendix A. The Area Office may make additions to the master list using locally obtained information.
- B. Establishments in the Retail Industry. An establishment list will be developed for those employers in the jurisdictional area with 10 or more employees and which OSHA IMIS data does not indicate any comprehensive safety OSHA inspection history within the past three (3) years. The Area Office will use the following sources to generate that list: ReferenceUSAgov website; the Office of Statistical Analysis; and the Dun & Bradstreet listing of retail industry establishments.
- C. Deletions. Inspection history from an intranet establishment search will be used to determine establishments in jurisdiction that are in the SIC/NAICS codes listed in Appendix A that have received a comprehensive OSHA safety inspection. All establishments that have received a comprehensive OSHA safety inspection in these NAICS codes will be deleted from the master list.
  - 1. Any establishment off the master list having 10 or fewer employees will be deleted from the master list.
  - 2. Additional deletions will be made from each list by applying criteria set forth in OSHA Directive CPL 02-00-025.

VIII. Inspection Scheduling. Inspection scheduling shall be in accordance with the FOM, Chapter 2, Section IV.

- A. Inspection cycles.

1. Inspection cycles will be generated from the master list. Each cycle will consist of 30 establishments randomly selected by using the random number tables located in CPL 02-00-025, Appendix C.
2. Each inspection cycle for each list must be completed before another cycle is generated from that list. An establishment may be carried over to another cycle for any of the reasons set forth in CPL 02-00-025. Prior to initiating inspections in each cycle, deletions will be made pursuant to the deletions policy set forth in CPL 02-00-025.
3. Subsequent cycles shall be generated in the same manner using cycles of 30 establishments each.

B. Inspections.

1. Each establishment scheduled for inspection from the master list shall receive a comprehensive safety inspection as defined by the FOM.
2. Any unprogrammed inspection or investigation such as a complaint, referral, fatality, etc., will be expanded to a comprehensive safety inspection for any establishment that is already included in the current cycle.
3. If the establishment on the inspection list has a different SIC/NAICS code than that reported, the inspection will continue if the current SIC/NAICS is included in the respective master list.
4. If the establishment is no longer at the address that was listed, the inspection will continue only if the establishment is still in business within the jurisdictional area of the Area Office.
5. If the establishment on the inspection list has a different name and/or is under new ownership, the inspection will continue if the current SIC/ NAICS is included in the respective master list and history indicates that they have not received an OSHA inspection within the past three (3) years.
6. If the establishment is a home based worksite an inspection will not be conducted.
7. If the inspection site is currently covered by a Corporate Wide Settlement Agreement (CSA) with a monitoring program, the inspection will not be conducted.

IX. Outreach.

The Area Director will develop an outreach plan and programs that will support their enforcement efforts, by working with compliance assistance specialists (CAS) and regional labor liaison, when available, to suggest relevant outreach materials and targeted audiences, provide guidance for how to best implement

current and new outreach activities, and continue successful outreach strategies implemented in the past and/or currently being implemented.

Outreach activities will utilize OSHA's already established compliance assistance workshops, tools and resources, as well as other mediums, such as news releases, information packets, seminars, etc. In order to maximize and expand the scope, reach and effectiveness of outreach efforts, each Area Office should determine relationships to be established with local organizations, interested parties, stakeholders, and community groups, as well as foster already existing relationships. Emphasis will be placed on reaching out to organizations such as Consulates, faith based and community groups to assist in reaching limited English proficiency workers.

The Area Office should consider having these stakeholders participate in training, assist in the dissemination of information from this LEP, and participate in any other outreach activity where their participation would benefit the program. Stakeholders may include actual industry periodical publishers, safety and health consultants, insurance companies, local and national associations, safety councils, and unions.

The method of outreach is at the Area Director's discretion; however, all efforts shall begin at least three months before the initiation of inspections. A detailed description of outreach activities will be included in each Area Offices' Regional evaluation of the emphasis program as well as in their subsequent evaluations.

Outreach activities may include, but are not limited to:

1. Encourage employers to utilize OSHA's free on-site consultation programs and provide educational and compliance assistance information relevant to the industry, along with other applicable outreach materials to appropriate stakeholders.
2. Inform employers and other stakeholders that many new resources exist in many languages on hazard identification and prevention.
3. Upon establishing a list of affected worksites, provide a letter to inform industry, employees, government and other stakeholders of hazards associated with that particular industry, and inform employers of your outreach and targeting plan prior to commencement of inspection activities. Furthermore, inform employers and workers of educational resources, such as these listed below, that give them information on potential hazards and how to prevent them.
4. Utilization of Existing OSHA resources and Outreach Tools.
5. Conduct targeted training sessions for employers on the recognition, prevention, and abatement of safety and health hazards in the workplaces. Provide information to workers regarding workers' rights, job hazards, employer responsibilities, and how to file complaints.
6. Conduct stakeholder meetings and disseminate information through speeches, training sessions, and Area Office newsletters.
7. Leveraging of Community Knowledge and Local Institutions. Outreach programs with employers and trade associations, unions, professional

associations, advocacy groups, community and faith-based organizations and others, will be in conjunction with local resources, knowledge and relationships to involve employee and management stakeholders in the identification and elimination of worksite hazards.

8. State Consultation Programs should be encouraged to participate in local outreach efforts performed by Area Offices.
9. Furthermore, outreach may be conducted via a media press release or e-blast to stakeholders and affected groups.

- X. Recording in OIS: Current instructions as found in the OIS Manual for completing the appropriate inspection classification boxes shall be applied when recording inspections conducted under this LEP as follows:

The Inspection for all programmed inspections conducted under this local emphasis program shall be marked as “Planned” and Local Emphasis Program code “RETAIL3”.

When discovered upon arrival at a worksite scheduled for an LEP inspection that an establishment should have been deleted from the list, the Inspection shall be coded “No Inspection”.

The Inspection for any unprogrammed inspection scheduled under the provisions of the FOM related to complaints, referrals requiring an inspection, imminent danger, or fatality/catastrophe inspection will be coded as normally required under the FOM. In addition, if an establishment is on the list, a comprehensive inspection will be conducted and the designation “RETAIL3” will be recorded on the Inspection.

- XI. Evaluation. No later than October 30, 2017, the Area Office will prepare a formal written evaluation of this REP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

## **APPENDIX A**

### **RETAIL INDUSTRY NAICS CODES**

453998 – All Other Misc Store Retailers (Exc Tobacco Strs)  
311811 – Retail Bakeries  
452111 – Department Stores (Except Discount Dept Stores)  
452112 – Discount Department Stores  
452990 – All Other General Merchandise Stores  
442299 – All Other Home Furnishings Stores  
446199 – All Other Health & Personal Care Stores  
441310 – Automotive Parts & Accessories Stores  
445299 – All Other Specialty Food Stores  
445291 – Baked Goods Stores  
451211 – Book Stores  
448130 – Children’s & Infant Clothing Stores  
448150 – Clothing Accessories Stores  
445292 – Confectionary & Nut Stores  
446120 – Cosmetics, Beauty Supplies & Perfume Stores  
443142 – Electronics Store  
448140 – Family Clothing Stores  
442210 – Floor Covering Stores  
446191 – Food (Health) Supplement Stores  
442110 – Furniture Stores  
453220 – Gift, Novelty & Souvenir Stores  
444130 – Hardware Stores  
451120 – Hobby, Toy & Game Stores  
443141 – Household Appliance Stores  
448320 – Luggage & Leather Goods Stores  
448110 – Men’s Clothing Stores  
451140 – Musical Instrument & Supplies Stores  
444220 – Nursery, Garden Center & Farm Supply Stores  
453210 – Office Supplies & Stationary Stores  
446130 – Optical Goods Stores  
444210 – Outdoor Power Equipment Stores  
444120 – Paint & Wallpaper Stores  
453910 – Pet & Pet Supplies Stores  
446110 – Pharmacy & Drug Stores  
451130 – Sewing, Needle Work & Piece Goods Stores  
448210 – Shoe Stores  
451110 – Sporting Goods Stores  
453991 – Tobacco Stores  
442291 – Window Treatment Stores  
448120 – Women’s Clothing Stores  
453310 – Used Merchandise Stores