



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

<b>DIRECTIVE NUMBER:</b> CPL 17/02 (CPL 04)	<b>EFFECTIVE DATE:</b> October 1, 2016
<b>SUBJECT:</b> Regional Emphasis Program for Landscaping and Horticultural Services	
<b>REGIONAL IDENTIFIER:</b> Region IV	

## ABSTRACT

- Purpose:** The purpose of this instruction is to renew a Regional emphasis program to reduce workplace fatalities in the Landscaping and Horticultural Services industry (NAICS 541320, 541690, and 561730)
- Scope:** This Notice applies to all Federal OSHA Area Offices in Region IV
- References:**
- OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.
  - OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs).
  - OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM).
- Cancellation:** CPL 16/02; October 5, 2015–Regional Emphasis Program for Landscaping and Horticultural Services
- State Impact:** None
- Action Offices** All Federal OSHA Area Offices
- Originating Office:** Atlanta Regional Office
- Contact:** Billie Kizer, Assistant Regional Administrator Enforcement Programs, 678-237-0400

### By and Under the Authority of:

KURT A. PETERMEYER  
Regional Administrator

## Executive Summary

This instruction renews a Regional Emphasis Program to reduce fatalities in the Landscape and Horticultural Services Industry. The REP ensures effective targeting, enforcement and outreach for hazardous working conditions that occur during landscaping work.

**Subject:** Regional Emphasis Program-Landscape and Horticultural Services (NAICS 541320, 541690, and 561730)

- I. **Purpose:** To reduce the fatal accidents rate for Landscaping and Horticultural Services
- II. **Scope:** All Federal Area Offices
- III. **References:**
  - U. S. Census Bureau's 2002 Economics Census: Table 1, Advance Summary Statistics for the United States
  - U. S. Department of Labor, Bureau of Labor Statistics: Fatal Occupational Injuries 2002
  - OSHA's Industry Profile for Industry Group 078, Landscape and Horticultural Services
  - OSHA's IMIS Micro to Host Reports: Special Fatality Reports for SIC Code Ranges: 0781-0783, October 1, 1997 to September 30, 2003
  - OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections
  - OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs)
  - OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM)
  - REP for Landscaping and Horticultural Services FY2014 Evaluation
- IV. **Expiration:** This notice expires within one year of the effective date, unless extended.
- V. **Action:** OSHA compliance personnel shall follow the procedures contained in this notice when conducting outreach and enforcement activities.
- VI. **Background:**

The OSHA Strategic Management Plan for FY 2003-2008 listed Landscape and Horticultural Services, Industry Group 078, as a focus industry for reducing the workplace fatality rate. From FY-97 to FY-03, Federal and State OSHA investigated 304 work related fatal accidents in landscaping. A large percentage of these accidents occurred in Region IV. For this period, there are 97 fatal landscaping accidents (31.6%) listed for Region IV. Of these 97 fatal accidents, 69 (71.1%) of them occurred in the four federal OSHA enforcement states, Alabama, Florida, Georgia, and Mississippi. In these four states, the majority of the accidents occurred in Florida, 67%.

The four leading causes of these accidents were listed as struck by (39%), falls from elevations (20%), caught in or between (14%) and electrical shock (11%). These accidents involved among other things: workers being struck by falling trees and limbs in addition to motorized equipment, falls from trees and ladders, caught in chippers, and electrical shock while working in the vicinity of overhead power lines.

In FY-15, Region IV conducted 45 inspections of landscaping operations, and ten of those were accident investigations. Of the 30 inspections with violations, 93% of them resulted in serious violations. Additionally, 79.5% of all violations were determined to be serious.
- VII. **Program Procedures:**

- A. Compliance Safety and Health Officers (CSHOs) shall, while traveling during the course of their work-day, be watchful for work activities where employees may be exposed to hazardous conditions while doing landscape/horticultural type work. The compliance officer seeing such work activity shall attempt to contact the area office to obtain authorization from the Area Director or Team Leader to begin an immediate inspection/intervention. Approval to start an inspection/intervention will normally be granted to the CSHO provided that this activity does not conflict with higher priority inspection activity.
- B. If the CSHO has no readily available means to contact the area office, or is otherwise unable to reach area office personnel who can authorize the inspection/intervention, the CSHO will initiate either a limited scope inspection or an intervention provided this activity will not interfere with higher priority inspections or assignments. The CSHO will give highest priority to preventing further employee exposure to the hazards observed. The CSHO shall notify the area office management of the inspection/intervention as soon as possible.
- C. Whenever an inspection is begun under this REP, the CSHO will include in the case file narrative a description of the circumstances which resulted in discovery of the work activity that was the basis of the inspection. In cases where authorization was not obtained, an explanation shall be included as to the circumstances.

#### **VIII. Recording in OIS:**

Current instructions for completing the appropriate inspection classification boxes shall be applied when recording inspections conducted under the REP as follows:

- A. The Inspection Form, under the Inspection Type Tab for a programmed inspection conducted under this regional emphasis program shall be marked "Planned" and "Local Emphasis Program". The CSHO shall record "LANDSCPE" from the LEP drop down menu for proper coding. CSHO self-referrals are to be recorded as programmed inspections. Complaints, referrals from sources such as police departments or fire departments, fatality/catastrophe, and follow-up inspections shall be appropriately recorded as unprogrammed inspection activity, marked "Local Emphasis Program" and coded "LANDSCPE".
- B. Upon entry, if it is determined the employees are not exposed to hazards and/or adequate precautions were taken to protect employees, the Inspection Form shall be coded "no inspection". The Inspection Form shall also be coded as described in paragraph VIII. A. and a brief statement shall be included with the case file to explain why an inspection was attempted and the circumstances resulting in a "No Inspection" occurring. In addition, a Compliance Assistance Activity Form will be completed to account for the Compliance Assistance time spent on site with the employer. A copy of the completed Compliance Assistance Activity Form must be placed in the case file for future reference. Area Directors shall account for all intervention activities by generating a report that lists the Compliance Assistance Activity Form related to this Regional Emphasis Program.

#### **IX. Outreach:**

Each Area Director will ensure that outreach activities are conducted to reach as many stakeholders as possible. Outreach is for the purpose of informing interested parties of the existence, purpose and objectives of this regional emphasis program, as well as to promote employer and employee awareness of hazards associated with landscaping.

#### **X. Evaluation:**

An evaluation will be prepared and include a brief description of the inspections and interventions conducted; a summary of results of the inspections and interventions; and an evaluation of the entire program, based in part on OSHA Instruction CPL 04-00-001, Appendix A. The evaluation must be submitted to the Regional Administrator by October 31 of each year. The evaluation must, at a minimum, address the REP's role in meeting goals of OSHA's Strategic Plan, such as:

- Change in the number of fatalities related to landscaping on a fiscal year basis.
- The number of outreach sessions conducted by OSHA concerning landscaping hazards.
- The number of partnerships and/or alliances established dealing with landscaping hazards.
- The number of outreach sessions conducted by Partnered Employers concerning landscaping hazards.

*Other enforcement statistics should include at a minimum:*

- Number of REP inspections.
- Number of REP interventions.
- Number of REP in-compliance inspections.
- Number of REP "no inspection" cases.
- Number of violations related to specific REP targeted hazards.
- Percent of total violations cited serious/ repeat/ and willful during REP inspections.
- Total penalties assessed during REP inspections.
- Percent of REP inspections that were contested.
- Number of significant REP cases.
- Average violations per REP inspection.

**DISTRIBUTION:**

Area Offices  
Enforcement Programs  
Cooperative and State Programs  
Administrative Programs  
Regional Solicitor