OSHA REGIONAL NOTICE

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

DIRECTIVE NUMBER: CPL 04-00 (LEP-028) | EFFECTIVE DATE: October 1, 2014

SUBJECT: LEP for the Wood Pallet Manufacturing Industry
REGIONAL IDENTIFIER: Region V

ABSTRACT

Purpose: This Notice implements a Local Emphasis Program (LEP) for safety and health inspections of employers engaged in the manufacturing of wood pallets.

References:

A) CPL 02-00-150 - Field Operations Manual (FOM)
B) CPL 04-00-001 - Procedures for Approval of Local Emphasis Programs
C) CPL 03-00-003 – National Emphasis Program on Amputations
D) CPL 03-00-008 – Combustible Dust National Emphasis Program
E) CPL 04-00 (LEP 002) – LEP for Powered Industrial Vehicles – Region V
F) CPL 02-00-147 – The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures
G) STD 01-16-007 – Electrical Safety-Related Work Practices – Inspection Procedures and Interpretive Guidelines
H) CPL 02-00-051 – Enforcement Exemptions and Limitations Under the Appropriations Act
I) CPL 02-00-025 – Scheduling System for Programmed Inspections
J) Internal Memorandum for Regional Administrators – Protecting the Safety and Health of Temporary Workers, April 29, 2013

Action Offices: Toledo Area Office

Originating Office: Toledo Area Office

Contact:

Assistant Regional Administrator
Enforcement Programs
USDOL-OSHA
230 S. Dearborn Street, Rm. 3244
Chicago, IL 60604
(312) 353-2220

By and Under the Authority of

For Nick A. Walters
Regional Administrator

I. **Purpose**: This Notice implements a Local Emphasis Program (LEP) for safety and health inspections of employers engaged in the manufacturing of wood pallets.

II. **Scope**: This Notice applies to the Toledo Area Office.

III. **References:**

A. CPL 02-00-150 - Field Operations Manual (FOM)
B. CPL 04-00-001 - Procedures for Approval of Local Emphasis Programs
C. CPL 03-00-003 – National Emphasis Program on Amputations
D. CPL 03-00-008 – Combustible Dust National Emphasis Program
E. CPL 04-00 (LEP 002) – LEP for Powered Industrial Vehicles – Region V
F. CPL 02-00-147 – The Control of Hazardous Energy – Enforcement Policy and Inspection Procedures
G. STD 01-16-007 – Electrical Safety-Related Work Practices – Inspection Procedures and Interpretive Guidelines
H. CPL 02-00-051 – Enforcement Exemptions and Limitations Under the Appropriations Act
I. CPL 02-00-025 – Scheduling System for Programmed Inspections
J. Internal Memorandum for Regional Administrators – Protecting the Safety and Health of Temporary Workers, April 29, 2013

IV. **Expiration**: This Notice expires September 30, 2015.

V. **Action**: The Area Director for Toledo will use the procedures described in paragraph eight of this notice as the basis for developing and implementing inspection activity at those employers engaged in the manufacturing of wood pallets.

VI. **Policy**: The Area Director shall use the LEP as described herein as the basis for scheduling safety and health inspection activity at facilities engaged in the manufacturing of wood pallets.

VII. **Background**: Local enforcement and outreach experience has indicated that the pallet manufacturing industry has the potential for multiple types of serious safety and health hazards. Wood container and pallet manufacturers experienced a recordable incidence rate of 7.4, versus 3.7 for all industries, according to 2012 Bureau of Labor Statistics (BLS) data. A review of citation history for the state of Ohio indicates approximately 3.4 serious hazards identified per inspection of establishments within this industry (2012 NAICS code 321920), since July 2011. The most common hazards identified were machine guarding (1910.213, 212 and 219), lockout-tagout (1910.147), powered industrial vehicles (1910.178), electrical safety (1910.303 and 305), noise (1910.95), housekeeping (1910.22) and recordkeeping (1904).

Local experience has also shown that some pallet manufacturing establishments employ temporary workers and other workers whose primary language is other than English.

Agency history has demonstrated a need to focus outreach and enforcement resources for employers who employ traditionally difficult to reach employee groups. Accident history searches of this industry show numerous case studies of amputation injuries due to machine guarding and hazardous energy control hazards. A review of investigation reports from IMIS/OIS since 2010, shows 22 incident investigations in this industry nationwide, including two fatal events. Twelve of the investigations involved amputations and severe lacerations, primarily from saws, notcher machines and conveyor equipment. Three incidents involved fire and burn injuries. Two of the incidents involved nails/pneumatic nailing equipment. The remaining two incidents involved an arc flash event, and a struck-by incident related to powered industrial vehicle operations. The majority of the incidents required hospitalization, and injuries that would be considered permanent and debilitating.

VIII. **Procedures**: The following procedures will be used in targeting, scheduling and conducting inspections under this LEP.

The Area Office shall conduct inspections under this program through the Fiscal Year this program is active. The inspections under this LEP should be incorporated into the Area Office's overall strategic operating goals.

A. Selection

i. Unprogrammed Inspections - The area office will conduct inspections for all complaints and referrals alleging a serious hazard or a condition that may be a violation of the machine guarding, woodworking, lockout/tagout, electrical safety or combustible dust standards or the report of any serious injuries associated with the operation of saws or other woodworking equipment. The inspection will address all complaint items, all aspects of the machine guarding, woodworking and lockout/tagout standards, electrical safety, combustible dust and associated hazards, respiratory hazards, potential exposure to noise, collection of OSHA 300 data and hours worked for the previous three years plus the current year, and an evaluation of the employer's safety and health program. The inspection will be expanded in accordance with programmed inspection scheduling procedures and hazards in plain view as applicable.

ii. Programmed Inspection - The Area Director will compile and maintain a master list of wood pallet manufacturing facilities (2012 NAICS code 321920) within their office jurisdictional area. This list will be developed from various sources available to the area office, including, but not limited to, OSHA inspection history from OSHA's IMIS and OIS data systems, Dun and Bradstreet, local telephone directories and the Manufacturer's Guide. An inspection register will be prepared from the list by applying a random number generating table, such as referenced in CPL 02-00-025.

B. Scheduling

All selected establishments, regardless of size, will be inspected, including establishments which employ 10 or fewer employees. The wood pallet manufacturing industry has not been identified as a low hazard industry under the Appropriations Act and, therefore, no establishment is exempt based on size. Inspection cycles will be generated as needed by the area office. When a cycle is completed, the Area Director may generate a new cycle. All establishments in a cycle must be opened before any establishments from a new cycle may be inspected. The exceptions are defined in CPL 02-00-025, paragraph B.1.b.(1)(e)(1), which explains when carryovers from one cycle to another cycle will be allowed. The establishments in any cycle started but not yet completed by the expiration date of this directive, must be inspected even if the inspection is initiated after the expiration.

In addition, the area office will collect data from OSHA 300 logs for the previous three calendar years plus the current year from all employers inspected under this program that are required to maintain them. The data, which will include the totals from all the columns of the 300 log and the total hours worked by all employees for these years, will be used to assist in the evaluation of the program.

IX. **OIS Coding**: Inspections conducted under this LEP will be coded as appropriate as either "Programmed Planned" or "Unprogrammed" under Initiating Type and "PALLET" under Local Emphasis Program. Other coding related to concurrent NEPs or LEPs may also be used as appropriate.

Strategic Plan Activity codes shall be selected in accordance with the hazards cited as a result of the inspection.

X. **CSHO Protection:** Inspections under this LEP are to be conducted by the Compliance Officers who have received training on the LEP and the hazards of the pallet manufacturing industry. Compliance Officers shall attempt to establish the presence of hazards prior to initiating the walk around portion of the inspection, relying on information such as that obtained during the opening conference, previous inspection activity at similar sites, safety data sheets, and/or previous exposure monitoring surveys.

The Area Director will ensure that the Compliance Officer has the necessary PPE to conduct the inspection, including but not limited to hard hats, safety glasses, hearing protection, safety boots, and respiratory protection.

The Compliance Officer will not place themselves in potentially hazardous situations such as entry into a permit confined space (PRCS) or activities which would require the performance of hazardous energy control (lockout). In such cases, necessary information

should be sought in other manners including private employee interviews, witness statements, engineering drawings, manufacturing specifications/manuals, etc.

Compliance Officers shall establish the presence of hazardous substances prior to initiating the walk around portion of the inspection, relying on information such as previous inspection activity at similar sites, safety data sheets, and/or previous exposure monitoring surveys. The Compliance Officer will conduct self-sampling when they are potentially exposed to hazardous chemicals or excessive noise. Hazardous chemicals encountered could include particulates not otherwise classified (PNOC).

XI. **Outreach and Compliance Assistance:** The area office will conduct outreach to local establishments within this industry. The area office will also discuss this LEP with appropriate stakeholders when performing general outreach presentations and at other public speaking events.

XII. **Program Evaluation**: It is important that this program be evaluated in a timely manner in order to assess its potential future value and to make any necessary modifications. The Toledo Area Director shall submit an evaluation report to the ARA/EP annually for the previous fiscal year. The evaluation shall be in accordance with CPL 04-00-001 and include a brief description of the inspections conducted, results of the inspections and an evaluation of the program in general, addressing the evaluation factors listed below, as appropriate.

Evaluation Factors
Health
# of violations above the PEL or action level for noise, respirable dust, nuisance dust
# of employees exposed above the action level
# of employees exposed above the PEL
# of violations relating to training for health hazards
# of violations relating to noise hazards
# of violations relating to combustible dust hazards
Safety
# of machine guarding violations
# of electrical violations
# of lockout/tagout violations
# of fall violations
# of training violations for any OSHA standard
# of 5(a)(1) violations issued
Outreach
# of outreach sessions in which this LEP was addressed
# of attendees at outreach sessions
Other

Follow-ups pending into next FY
Area Office recommendation on continuation of LEP