



REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2 02-00-022A

EFFECTIVE DATE: October 1, 2015

SUBJECT: Regional Emphasis Program for Safety & Health Hazards in the Manufacture of Fabricated Metal Products

REGIONAL IDENTIFIER: Region VI

ABSTRACT

- Purpose:** This Notice establishes and implements a regional emphasis program (REP) for the purpose of conducting inspections of Fabricated Metal Products industry activities within the jurisdiction of Area Offices in Region VI. The employers to be targeted are in the *Fabricated Metal Products, Except Machinery and Transportation Equipment* industries (SIC Code Major Group 34).
- Scope:** This Notice applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under Federal OSHA jurisdiction.
- References:** OSHA Instruction CPL 04-00-001 (CPL 2-0.102A)
OSHA Instruction CPL 02-00-150
OSHA Instruction CPL 02-00-025 (CPL 2.25I)
OSHA Instruction CPL 02-00-051 (CPL 2-051J)
- Cancellations:** Region VI Regional Notice CPL 2 02-00-022A, dated October 1, 2014, Regional Emphasis Program for the Manufacture of Fabricated Metal Products.
- State Impact:** Region VI 21(d) Consultation Project Offices in Arkansas, Louisiana, Oklahoma, New Mexico and Texas will provide outreach, consultation services, and training to affected employers as requested.
- Action Offices:** Area Offices in Region VI
Consultation Project Offices in Arkansas, Louisiana, Oklahoma, New Mexico, and Texas
Dallas Regional Office
- Information Offices** New Mexico Occupational Health and Safety Bureau

Originating Office: Dallas Regional Office.

Contact: Assistant Regional Administrator for
Enforcement Programs
525 S. Griffin Street, Suite 602
Dallas, TX 75202-5007
(972) 850-4177

By and Under the Authority of:

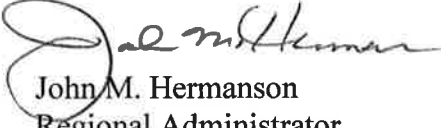

John M. Hermanson
Regional Administrator

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- I. **Purpose.** This notice establishes and implements a regional emphasis program (REP) for the purpose of conducting inspections of **Fabricated Metal Products** industry activities within the jurisdiction of the Area Offices in Region VI. The employers to be targeted are in the ***Fabricated Metal Products, Except Machinery and Transportation*** industries (SIC Code Major Group 34).
- II. **Scope.** This instruction applies to all Area Offices in Region VI and those worksites in New Mexico that are under Federal Jurisdiction.
- III. **References.**
- A. OSHA Instruction CPL 04-00-001 (CPL 2-0.102A), November 10, 1999, Procedures for Approval of Local Emphasis Programs (“LEPs”) or current update.
 - B. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011 or current update.
 - C. OSHA Instruction CPL 02-00-025 (CPL 2.25I), January 4, 1995, Scheduling System for Programmed Inspections or current update.
 - D. OSHA Instruction CPL 02-00-051 (CPL 02-00.051), February 23, 2005, Enforcement Exemptions and Limitations Under the Appropriations Act or current update.
 - E. OSHA Standards at Subpart O, Machinery and Machine Guarding.
 - F. OSHA Standards at Subpart P, Hand and Portable Powered Tools & Other Hand Held Equipment.
 - G. OSHA Publication 3157, A Guide for Protecting Workers from Woodworking Hazards.
 - H. OSHA Technical Links Web Page, Machine Guarding, <http://www.osha-Slc.gov/SLTC/machineguarding/index.html>
- IV. **Expiration.** This Notice expires on September 30, 2016, but may be renewed as necessary.
- V. **Background.** Due to the nature of Metal Fabrication operations, there is a high probability of employee exposure to unguarded machinery and power tools, electrical hazards, lockout/tagout hazards, hazardous and/or toxic chemicals, noise, silica, confined spaces, welding fumes, flammable liquids, lead, cadmium, etc. Inspections conducted in this type of industry have produced numerous violations which address, but are not limited to: machine guarding, lockout/tagout, electrical hazards, industrial stairs, the Hazard Communication Standard, noise standard, flammable liquid storage, ventilation, and exposures to various chemicals listed in Toxic and Hazardous Substances (Subpart Z). The hazards indicated above include safety and health hazards identified in the

Strategic Plan, most notably, lead and silica exposure and amputations. The need for an effective safety and health program is essential in metal fabrication operations.

During the 5-year period from January 2006 through December 2011, the four federally-operated states in Region VI (Texas, Oklahoma, Arkansas and Louisiana) investigated 46 fatal accidents which occurred at metal fabrication establishments, and which resulted in the deaths of 48 workers. The majority (59%) of these accidents were the result of employee exposure to struck-by and/or caught-in hazards.

In Fiscal Year 2015 five significant cases were issued under this Regional Emphasis Program with collective penalties of \$1,345,450. These five inspections resulted in the issuance of 161 Serious violations, 5 Willful violations, 6 Repeat violations, and 6 Other Than Serious violations.

VI. Enforcement.

A. The metal fabrication establishment list will consist of all establishments that have been developed from the latest list from the Office of Statistics for Major Group SIC 34.

B. The following rules will apply to scheduling Fabricated Metal Product inspections:

1. The metal fabrication establishment list will consist of all establishments that were developed from the latest list from the Office of Statistics for Major Group SIC 34 and/or from locally acquired methods such as local phone books, trade associations, etc.

2. Any establishment that has received a comprehensive health inspection after October 1, 2011, or listed on the Site Specific Targeted Inspection List or the Amputation NEP inspection list will be deleted by appropriately assigning a code of AD.

3. The establishment list will be arranged alphabetically and numbered consecutively from one to the last numbered establishment.

4. Random numbers will be applied and the first 20 establishments selected will compile the inspection register. If an establishment is found to be out of business, that establishment shall be deleted from the list. An inspection activity will be entered in OIS and coded "no inspection". Facilities on the list of 20 may be inspected in any order. No facilities may be added and a new list may not be generated until the previous list has been exhausted.

5. Before initiating enforcement activities, the CSHO will determine if an inspection is prohibited by the Enforcement Exemptions and Limitations under the Appropriations Act.

6. Where additions to the establishment inspection register become necessary, the random selection will continue until the goal of 20 inspections has been

completed.

- D. Scope of REP Inspection. The inspections under this emphasis program will be comprehensive in nature covering the entire job site, in accordance with the FOM. Apparent potential health hazards, such as but not limited to, silica, lead, noise, and other recognized health hazards will be evaluated. If necessary, a health referral will be made. The CSHO will evaluate all on-site employers through inspection, observation, photographs, video footage, measurements, and interviews of management and employees.
- E. Citations. Citations for violations will be issued in accordance with the FOM, Chapters V, VI, and VII.
- F. Interface with Unprogrammed Activity. Reports of imminent danger, fatalities, catastrophes, complaints, and referrals shall be scheduled as unprogrammed inspections, and shall be inspected in accordance with the applicable provisions of the FOM.
- G. Inspection Resources. The Area Director will provide and utilize resources in compliance with the national directive implementing this REP. All OSHA personnel participating in this REP must be familiar with the policies and procedures described in this notice.
- H. CSHO Personal Protective Equipment (PPE). CSHOs will use personal protective equipment suitable for the targeted industry. PPE will include, at a minimum, a hard hat, safety glasses with side shields, safety shoes/boots (with metatarsal guards as necessary), and hearing protection. If a combustible dust hazard exists, CSHOs shall wear non-spark-producing clothing such as natural fiber (e.g., cotton), and the use of flame-resistant clothing (FRC) is recommended.

VII. Recording in OIS and IMIS.

- A. Enforcement Inspections: Enforcement inspections completed under this initiative will be coded:

In OIS in the Inspection Type sub tab:

1. Initiating Type will be coded "Programmed Planned" with the following exception. Any inspections conducted as a result of a complaint, referral, or fatality/catastrophe will be coded as the appropriate "unprogrammed" activity.
2. Local Emphasis Program will be coded **FABMETSH** for all programmed and unprogrammed inspections.
3. Strategic Plan Activity will be coded with any strategic plan codes applicable to the current inspection.

4. Additional Codes will be coded with any applicable additional codes.

B. Enforcement Interventions: Enforcement Interventions completed under this initiative, including partnerships, alliances, Voluntary Protection Programs, and other interventions, will be coded:

In OIS in the Task sub tab, Task Details, Emphasis Areas as follows:

1. Local Emphasis Programs will be coded **FABMETSH**.
2. Strategic Emphasis Areas will be coded with any strategic plan codes applicable to the current inspection.
3. Other Emphasis Areas will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

C. Consultation Visits: Consultation Visits completed under this initiative will be coded:

1. In IMIS on the Request Form CONS-20:
 - a. Local Emphasis will be coded **FABMETSH**.
 - b. Field 18 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.
2. In IMIS on the Visit Form CONS-30:
 - a. Local Emphasis will be coded **FABMETSH**.
 - b. Field 22 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

D. Consultation Interventions: Consultation Interventions completed under this initiative will be coded:

In IMIS on the Consultation Intervention Form CONS-66:

1. Local Emphasis will be coded **FABMETSH**.
2. Field 15 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

- E. Area Offices, Consultation Projects, and the Regional Office shall periodically check their OIS and/or IMIS databases to verify accuracy of the data for the initiative.

VIII. Outreach.

All REPS must contain an outreach component that must be executed prior to the initiation of the enforcement program. The method of outreach is at the Area Directors' discretion and can consist of one or more of the following components.

1. Broadcast mail-outs or program information
2. Stakeholder meetings
3. Targeted training sessions
4. Presentations to the affected group(s)

The outreach component selected should be conducted prior to the start of the enforcement inspection portion of the REP. The timing of this should be sufficient to insure that employers have been provided fair notice of the program and opportunities to achieve voluntary compliance. These outreach efforts should be coordinated with or include the OSHCON program for that area.

IX. Partnerships and Alliances.

In the event outreach efforts result in the interest in developing an alliance or partnership the Area Director will insure that these efforts conform to current National and Regional Policy.

- X. **Evaluation.** An evaluation of this program will be submitted by the Area Directors to the Regional Office no later than October 15, 2016. Elements to be considered in the evaluation are contained in OSHA Instruction CPL 04-00-001.