



REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2 02-00-013

EFFECTIVE DATE: October 1, 2015

SUBJECT: Regional Emphasis Program for the Upstream Oil and Gas Industry

REGIONAL IDENTIFIER: Region VI

ABSTRACT

- Purpose:** This Notice establishes a Regional Emphasis Program (REP) for the Upstream Oil and Gas Well Industry.
- Scope:** This Notice applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under Federal 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)
OSHA Instruction CPL 02-00-094 (CPL 2.94)
OSHA Instruction CPL 02-00-137
- Cancellations:** Region VI Regional Notice CPL 2 02-00-013, dated October 1, 2014, Regional Emphasis Program for the Oil and Gas Industry.
- State Impact:** Region VI 21(d) Consultation Project Offices in Arkansas, Louisiana, Oklahoma, and Texas will provide outreach, consultation services, and training to affected employers as requested.
- Action Offices:** Region VI Area and District Offices
Region VI Consultation Project Offices
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:

A handwritten signature in black ink, appearing to read "John M. Hermanson". The signature is written in a cursive style with a large initial "J" and "H".

John M. Hermanson
Regional Administrator

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I. Purpose. The purpose of this Notice is to establish an enforcement initiative to reduce fatalities and catastrophic events in the upstream oil and gas industry. The specified target industries are Drilling Oil and Gas Wells – SIC 1381 or NAICS Code 213111, Oil and Gas Field Exploration Services – SIC 1382 or NAICS Code 213112 and 541360, Oil and Gas Field Services – SIC 1389 or NAICS Code 213112, 237120 and 238910.

II. Scope. This instruction applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, 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 Instruction CPL 02-00-094 (CPL 2.94), July 22, 1991, OSHA Response to Significant Events of Potentially Catastrophic Consequences or current update.
- F. OSHA Instruction CPL 02-00-137, April 14, 2005, Fatality/Catastrophe Investigation Procedures or current update.

IV. Expiration. This Notice expires on September 30, 2016, but may be renewed as necessary.

V. Background.

In Region VI, during FY15, OSHA conducted 35 fatality investigations of employers in the upstream oil and gas industry while performing activities such as, but not limited to, drilling, exploration, and workover. Because OSHA has no national program dealing with this industry, a regional emphasis program is necessary to address the fatalities and catastrophes occurring within this jurisdiction.

OSHA will employ a number of tools to address this issue, including enforcement, outreach, training, onsite consultation, partnerships, alliances, and the Voluntary Protection Program (VPP).

Activities involving the processing of the product which might come under the purview of Process Safety Management (PSM) are excluded from this program.

VI. Enforcement.

- A. Hazards. Explosion, fire, fall, struck-by, caught-in, caught between, and electrocution hazards will be addressed because past inspection evidence suggests that these hazards are the leading causes of death within the oil and gas industry.
- B. This notice is provided because of the immediate need to address unsafe working conditions in the upstream oil and gas industry that contribute to workplace fatalities and, more importantly, to minimize or entirely eliminate them.

The targeted industries are:

Drilling Oil and Gas Wells – SIC 1381 or NAICS Code 213111, Oil and Gas Field Exploration Services – SIC 1382 or NAICS Codes 213112 and 541360, Oil and Gas Field Services – SIC 1389 or NAICS Codes 213112, 237120 and 238910.

C. Scheduling of Inspections.

- 1. Each area office having upstream oil and gas operations within its jurisdiction will divide the jurisdiction into geographic sectors. The area office will create no less than 6 sectors. Each geographic sector will be numbered consecutively and a random number table applied to create a list. The list will be sorted in ascending order of random numbers assigned resulting in a list of geographic sectors for inspection. The sectors will be inspected in the order in which they appear on this list. The Area Office will ensure that each geographic sector is selected for inspection activity during the fiscal year.

The time allocated to conduct inspections within the geographic sector will depend on the number of sectors identified by the area office.

- 2. Inspections under this Regional Emphasis Program will be initiated through either of the two following systems:
 - a. Compliance Officer (“CSHO”) observation of oil & gas activity as outlined in paragraph 3 below or,
 - b. Through the development of a list of known work sites where active drilling is taking place. The list can be generated through local media, internet searches, railroad commission web site, etc. Inspections would be scheduled in accordance with the sector system as defined in paragraph 3 below.
- 3. Once the Area Office selects a sector for inspection, the Area Director will instruct CSHOs to be alert to oil and gas activity during their travels throughout the selected sector. Upon observing oil & gas activity at a work site, the CSHO will call the Area Director or Supervisor and provide as much information about the site as possible (e.g., the employer’s name, location, and any other available information) without entering the work site.

4. The Area Director or Supervisor will review the information to determine (1) whether the identified rig has been inspected within the sector within the last 45 days and (2) whether the owner/operator of the rig has been inspected four (4) or more times under this REP within the sector within the last 90 days. If either the rig or four (4) or more rigs owned/operated by the same employer have been inspected within the above time frames, then the Area Director or Supervisor will direct the CSHO not to conduct an inspection.

Otherwise, the Compliance Officer will conduct a comprehensive inspection of the rig.

5. For each sector, the Area Office will maintain a list of all rigs that have been identified. The list will include the rig number, site location, and the employer's name with a notation as to whether or not the rig was inspected. If the rig was not inspected, the Area Office will note the reason(s) why an inspection was not conducted.
6. Upon arrival at the work site and before initiating enforcement activities, the CSHO will determine the number of employees employed to determine if an inspection is prohibited by the Enforcement Exemptions and Limitations under the Appropriations Act.

- 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 inspection will evaluate the measures used by all employers at this site to manage the hazards associated with the oil and gas industry.

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. Only trained Compliance Officers who have attended the OTI Oil & Gas course or who have experience in the oil and gas industry will be assigned to conduct inspections under 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, respiratory protection (as necessary), a hard hat, safety glasses with side shields, safety shoes/boots (with metatarsal guards as necessary), hearing protection, and high visibility apparel/vest. CSHOs shall wear non-spark-producing clothing such as natural fiber (e.g., cotton) and flame-resistant clothing (FRC). When necessary, CSHOs will use direct read monitors (e.g., H₂S, LEL). All electronic equipment used will be intrinsically safe for the inspection environment.

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 **OILGAS** 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 **OILGAS**.
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 **OILGAS**.
 - 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 **OILGAS**.
 - 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 **OILGAS**.
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 LEPS 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 LEP. 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 Director 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.