



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-09-08B

EFFECTIVE DATE: 10/1/2014

SUBJECT: Local Implementation of National Emphasis Program (NEP) on Lead

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice describes policies and procedures for the local implementation of OSHA's National Emphasis Program (NEP) to reduce occupational exposures to lead.

Scope: This Notice applies to all Region VII Federal Enforcement Area Offices.

Expiration: September 30, 2015

References: OSHA Instructions CPL 02-00-051, CPL 02-00-150, CPL 02-00-025, CPL 04-00-001, CPL 03-00-009, and CPL 04-00-001. US EPA Toxic Release Inventory Explorer Database

Cancellations: None

Action Offices: Region VII Regional and Federal Enforcement Area Offices

Originating Office: Kansas City Regional Office - Enforcement Programs Section

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:

Marcia P. Drumm
Acting Regional Administrator

TABLE OF CONTENTS

<u>Abstract</u>	Abstract - 1
<u>Table of Contents</u>	1
I. <u>Purpose</u>	2
II. <u>Scope</u>	2
III. <u>Expiration</u>	2
IV. <u>References</u>	2
V. <u>Action</u>	2
VI. <u>Background</u>	2
VII. <u>Program Procedures</u>	3
VIII. <u>Inspection Procedures</u>	6
IX. <u>Follow-up Activity</u>	7
X. <u>OIS Coding</u>	7
XI. <u>LEP Evaluation</u>	7
Appendix A - <u>2002 Adult Blood Lead Levels SIC Table</u>	A-1
Appendix B - <u>November 2013 Expanded List of Establishments SIC Table</u> ..	B-1

- I. Purpose. This notice continues a Local Emphasis Program (LEP) for the Region VII implementation of CPL 03-00-009, National Emphasis Program (NEP) – Lead to reduce occupational exposures to lead.
- II. Scope. This notice applies to all Region VII Federal Enforcement Offices.
- III. Expiration. This notice expires on September 30, 2015.
- IV. References.
 - A. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998. Appendix A, May 27, 2014.
 - B. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
 - C. OSHA Instruction CPL 02-00-025 (CPL 2.25I), Scheduling System for Programmed Inspections, January 4, 1995.
 - D. OSHA Instruction CPL 04-00-001 (CPL 2-0.102A), Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
 - E. OSHA Instruction CPL 03-00-009, National Emphasis Program (NEP) - Lead, August 14, 2008.
 - F. U.S. Environmental Protection Agency (EPA) Toxic Release Inventory (TRI) Explorer Database.
 - G. OSHA Memorandum from Thomas Galassi, Director of Enforcement Programs, to Regional Administrators, Expanded Targeting of Establishments Under the Lead NEP, November 2013.
 - H. OSHA Memorandum from Thomas Galassi, Director of Enforcement Programs, and John Hermanson, Acting Director of Evaluation and Analysis, to Regional Administrators, Generation and Randomization of Inspection Targeting Lists, April 21, 2014.
- V. Action. The Regional Administrator and Area Directors shall ensure that the policies and procedures established in this notice are used as the basis for scheduling inspections to reduce occupational exposure to lead.

The Assistant Regional Administrator (ARA) for Enforcement Programs shall ensure that Iowa OSHA is apprised of the contents of this Local Emphasis Program (LEP). The ARA for Compliance Assistance Programs shall ensure that the State Consultation Program Managers in the region are apprised of the contents of this LEP.

- VI. Background. The toxic effects of occupational exposure to lead are well established. Lead is a potent, systemic poison that serves no known useful function once absorbed by

the body. Lead adversely affects numerous body systems and causes forms of health impairment and disease which can arise from acute or chronic exposure. Adverse effects include damage to blood-forming, nervous, urinary, and reproductive systems. In 1990, the National Institute for Occupational Safety and Health (NIOSH) set a national goal to eliminate lead exposures that result in workers having blood lead concentrations greater than 25 µg/dL of whole blood.

A National Emphasis Program (NEP) for lead was issued August 14, 2008. The NEP was implemented to direct OSHA's field inspection efforts to address lead exposures in the workplaces, including General Industry (1910), Construction (1926), Shipyard (1915), Longshoring (1918), and Marine Terminals (1917). These efforts continue to assist OSHA in meeting the goals of Department of Labor's Strategic Plan for 2014-2018.

Inspection data for fiscal years (FY) 2012 thru 2014 show that the Region VII federal offices conducted 10 programmed inspections and 38 unprogrammed inspections, which included complaints, follow-ups, monitoring, and referrals. Seventeen inspections had Serious violations. The average violations per inspection were 3.05.

VII. Program Procedures. This LEP includes three major activities: outreach, targeting/selection, and inspection.

A. Outreach. Each Area Office will continue to make available outreach programs that support the purpose of this LEP to identify and reduce workplace hazards associated with exposures to lead. Outreach programs with employers, professional associations, and local unions may include meetings, training, education, mailings, speeches or other activities designed to involve employee and management stakeholders in the identification and elimination of hazards associated with lead. At the discretion of the Regional and Area Offices, outreach materials may either be mailed directly, or made available upon request, to employers, professional associations, and local unions. In addition, a regional news release will be issued to announce this LEP.

B. Targeting/Selection. The National Institutes of Occupational Safety and Health (NIOSH) 2002 Adult Blood Lead Epidemiology Survey (ABLES) data listed in Appendix A provides a diverse list of industries where employees are potentially occupationally exposed to lead. In addition, Appendix B includes the industries of de-leading services to firing ranges and electronics recycling businesses that were included in the Thomas Galassi Memorandum of November 2013 on the Expanded Targeting of Establishments under the Lead NEP.

The 2012 EPA TRI Explorer database tracks the management of certain toxic chemicals that may pose a threat to human health and the environment. U. S. facilities in different industry sectors must report annually how much of each chemical is released to the environment and/or managed through use, recycling, energy recovery and treatment. (A "release" of a chemical means that it is emitted to the air, water, placed in some type of land disposal, or sent off site in another

manner.) Consequently, the EPA TRI Explorer database includes actual amounts of lead and lead compounds that were previously onsite, and may have actually resulted in employee exposure to the lead or lead compounds.

Targeted inspections conducted under this LEP will focus on industries and worksites where employees are potentially exposed to levels of lead in excess of the permissible exposure limit (PEL). Inspections shall be scheduled and conducted pursuant to selection based upon data obtained from the Office of Statistical Analysis (OSA) for NAICS/SIC Codes listed in Appendix A and/or B, or from a list of establishments obtained from the Environmental Protection Agency (EPA) Toxic Release Inventory (TRI) Program.

1. Site List Generation. Each federal area office will prepare a master list of establishments within its jurisdiction to be inspected in accordance with CPL 02-00-025 (CPL 2.25I), Scheduling System for Programmed Inspections. Each area office shall develop a list from at least one of the following sets of data:
 - a. List of employers obtained from OSA using the NAICS/SIC Codes in Appendix A and/or B, or
 - b. The latest EPA TRI Explorer data for its state and jurisdiction. The EPA TRI Explorer data can be found at the following website: http://iaspub.epa.gov/triexplorer/tri_release.chemical.
2. Deletions. Each office shall delete any establishments from its list in accordance with the deletion criteria listed in CPL 02-00-025, that are known to be out of business, or that have had a comprehensive health inspection within the last three years where exposures to lead were evaluated and the following criteria were met:
 - a. Exposure to lead was evaluated and no serious violations were related to lead, or
 - b. A subsequent inspection documented employer efforts to abate all serious lead hazards, and no cases of blood lead levels exceeding 25 micrograms per deciliter ($\mu\text{g}/\text{dL}$) were identified.
3. Additions. Whenever an office becomes aware of a previously unknown establishment where lead was released within the parameters of the EPA TRI Explorer data, the establishment will be added to the master list in accordance with CPL 02-00-025 (CPL 2.25I).
4. Cycle Generation. In accordance with the April 21, 2014 OSHA Memorandum from Thomas Galassi, Generation and Randomization of Inspection Targeting Lists, once the master list of establishments with additions and deletions is generated, each establishment on the corrected list will be placed in alphabetical order. A cycle of five establishments

will be randomly selected by using the most current version of Microsoft Excel's Random Sample Function, i.e. RANDBETWEEN function in Microsoft Excel. To prevent random duplicate numbers from being generated for multiple records each time the file is opened, the entire worksheet is highlighted, copied, and pasted into a blank worksheet as "Values(V)". The new worksheet will have each random number saved as a value and not a formula, which will allow the worksheet to be opened without the possibility of changing the already assigned numbers. Once the establishments are selected, deletions will be made pursuant to the deletions policy set forth in paragraph VII.b.2. Subsequent cycles shall be generated in the same manner. Each inspection cycle must be completed before another cycle is generated from that list. An inspection may be carried over to another cycle for any of the reasons set forth in CPL 02-00-025 (CPL 2.25I), paragraph B.1.b.(1)(e)1.a-h.

- C. Other Programmed Inspections. The scope of programmed inspections conducted under other NEPs, or LEPs may be expanded to include potential employee hazards to lead. The compliance officer will determine if the establishment has processes where potential lead exposure exists. In cases where the potential for employee exposure to lead hazards exists, the compliance officer may expand the scope of other NEP and LEP inspections to include a Lead LEP inspection, or make an appropriate health referral in accordance with CPL 02-00-025 (CPL 2.25I).
- D. Complaints and Referrals. Every complaint or referral for any work-site/establishment where there exists the potential for lead exposure shall be handled as follows:
1. Based upon the information provided, all potential lead work-sites/establishments brought to the attention of the area office shall be handled in accordance with the procedures outlined in CPL 02-00-150, Field Operations Manual (FOM).
 2. Referrals received from States' Departments of Health, Labor or Industry alleging employee blood lead levels at or above 25 µg/dL and/or involving take-home exposures will also result in an inspection of the establishment or worksite.
 3. Whenever a compliance officer observes, or the Area Office receives information (through any source or means) regarding work operations where the potential for employee exposure to lead exists, the compliance officer shall:
 - a. Document the status and condition of the work operation as far as they are known, noting any serious hazard(s). Documentation of the events leading up to the observation shall be maintained in the file.

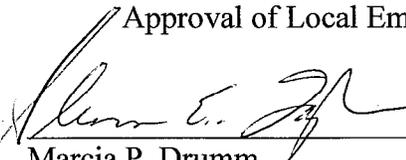
- b. Note the location of the worksite and the name and address of the employer(s) performing the operation.
- c. Provide the Area Director or his/her designee with the information. Based upon the information provided, all potential lead worksites brought to the attention of the area office shall be handled in accordance with the procedures outlined in the FOM.

VIII. Inspection Procedures.

- A. All inspections conducted under this LEP shall address all aspects of any potential lead work, and employee exposure to lead and lead compounds.
 - 1. Compliance officers shall review written programs that involve potential and/or actual employee exposure to lead and/or lead compounds. These include, but are not limited to injury and illness recordkeeping, safety data sheets, process safety and health documentation, administrative control information, personal protective equipment programs, and engineering control information.
 - 2. If information obtained during review of the programs and/or information listed above, and/or obtained during the conduct of employer and/or employee interviews determines that employees may be exposed to lead and/or lead compounds, compliance officers shall investigate all aspects and elements of the lead standard and conduct the following activities:
 - a. Compliance officers shall conduct screening procedures for lead and/or lead compounds such as, but not limited to collecting wipe samples in order to determine the necessity for full shift onsite personal and area sampling for lead and/or lead compounds, or to determine the effectiveness of administrative controls.
 - b. Compliance officers shall conduct personal and/or area air sampling in cases where it is determined via any of the above procedures, or through professional judgment that employees may be exposed to lead and/or lead compounds at or above the permissible exposure limit without the use of appropriate respiratory protection, personal protective equipment, and/or engineering controls.
- B. Inspections conducted on multi-employer worksites shall include the inspection of all employers at the worksite whose employees may be reasonably anticipated to be exposed to lead. Such employers may include, but not be limited to the following:
 - 1. Subcontractors at general industry facilities whose employees perform work in the vicinity of the host employer's employees who may be exposed to lead or lead compounds. Such employees may include, but not

be limited to housekeeping and cleaning services, repair and maintenance of equipment and machinery, and transportation services.

2. Subcontractors on construction worksites whose employees perform work in the vicinity of the general and/or sub-contractor's employees who may be exposed to lead or lead compounds.
 3. Employers of temporary workers who may be exposed to lead or lead compounds.
- C. Plain view safety hazards discovered during programmed health inspection activity at establishments with fewer than 10 employees shall be handled in accordance with OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998. Appendix A, May 27, 2014.
- D. When an inspection is not conducted because entry has been denied, a warrant normally shall be sought in accordance with the current procedure for handling such cases. The FOM shall be followed for procedures to be used when the employer refuses to permit an inspection.
- IX. Follow-up Activity. Follow-up inspections will be conducted for all cases with documented exposures above the permissible exposure limit (PEL) for lead, and for all cases with documented exposures above the action level where the employer has failed to take appropriate action.
- X. OIS Coding.
- A. Code the Inspection Emphasis Type data by selecting Lead from each choice list in the blocks for National Emphasis Program, Local Emphasis Program, and Primary Emphasis Program.
 - B. Code the Strategic Plan Activity data by selecting Lead from the choice list in the Federal Strategic Initiative Program block.
 - C. All consultation activities (requests, visits and compliance assistance) conducted at establishments in the SIC/NAICS codes included in this LEP will be coded "LEAD" in the Local Emphasis Program field on the appropriate forms.
- XI. LEP Evaluation. No later than October 30 of each year this LEP is in effect, the ARA for Enforcement Programs will submit a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001 (CPL 2-0.102A), Procedures for Approval of Local Emphasis Programs, Appendix A.

for 

Marcia P. Drumm
Acting Regional Administrator, Region VII

9-30-14
(Date)

Concurrence of the Regional Solicitor's Office:

Edward H. Van Wyk
(Signature)

09-24-2014
(Date)

Distribution:

- Regional Solicitor
- Directorate of Enforcement Programs
- Regional Administrator
- Deputy Regional Administrator
- Assistant Regional Administrators
- Area Directors
- Supervisory Investigator
- Labor Liaison
- Field Review Program Coordinator

Appendix A

2002 Adult Blood Lead Levels SIC Table

SIC	Industry	Historical	Previous ABLES	Other
1521	GC Single Family Residential Construction			Y- Operations #
1522	GC Other Residential Construction			Y- Operations #
1541	GC Non Residential Construction			
1622	Bridge Tunnel Construction	Y		
1629	Heavy Construction, NEC	Y		
1721	Painting & Paper Hanging	Y		
1791	Steel Erection	Y *		
1795	Wrecking and Demolition Work	Y		
1799	Special Trade Contractors NEC	Y		
2816	Manufacturing: Inorganic Pigments	Y *		
2819	Manufacturing: Inorganic Chemicals NEC	Y *		
2821	Plastics Materials, Synthetic Resins, & Non-Vulcanizable Elastomers		Y	Y-Paper
2851	Mfr of Paints, Varnishes, Lacquers, Enamels			
3053	Mfr of Gaskets, Packing and Sealing Devices			
3211	Manufacturing: Flat Glass		Y	Y-MI data
3229	Manufacturing: Pressed & Blown Glass Products		Y	
3231	Mfr of Glass Products Made of Purchased Glass			
3312	Steel Works-Blast Furnaces			
3331	Primary Smelting of Copper	Y *		
3339	Primary Smelting of Non Ferrous Metals	Y		
3341	Secondary Smelting of Non-Ferrous Metals		Y	
3351	Rolling, Drawing, Extruding of Copper			
3356	Rolling of Non Ferrous Metals Except Cu and Al			
3366	Copper Foundries	Y		
3369	Non-Ferrous Foundries Except Cu and Al			
3399	Primary Metal Products, NEC			
3489	Ordinance & Accessories, NEC			
3491	Manufacture of Industrial Valves			

3492	Manufacture of Fluid Power Valves			Y- Operations #
3568	Mechanical Power Transmission Equipment NEC			
3675	Manufacture of Electronic Capacitors	Y *		
3691	Storage Batteries	Y		
3692	Primary Batteries	Y		
3713	Manufacture of Truck/Bus Bodies	Y *		
3715	Manufacture of Truck Trailers	Y *		
5093	Scrap and Waste Materials	Y		
7532	Automotive Repair & Painting			Y- Papers
7539	Automotive Repair Shops NEC	Y	Y	
7997	Membership Sports & Recreation Clubs			Y- Operations #
7999	Misc. Sports, Recreation & Amusement, NEC		Y	

* These industries were selected for targeting as they are SICs which are historically significant for lead exposures. They did not meet the selection criteria for this revision of the NEP, but are considered important for targeting purposes, nonetheless.

SIC selections marked as indicated were added based on the close link in industrial application between one SIC and the other "sister" SIC.

MI Data – Although this SIC (3211) did not meet the selection criteria under this NEP, it appeared on the previous targeting list, and data provided by the State of Michigan indicated that this SIC remains of concern for elevated blood lead levels in that State.

Papers Referenced for SIC 7532 – Enander, R.T., et al., Lead and Methylene Chloride Exposures among Automotive Repair Technicians; J Occ Env Hyg; 1: 119-125 (2004). Enander, R.T., et al., Chemical Characterization of Sanding Dust and Methylene Chloride Usage in Automotive Refinishing: Implications for Occupational and Environmental Health; AIHAJ; 63(6): 741-749 (2002). Also, information provided by the Commonwealth of Massachusetts flagged this SIC, as elevated airborne exposures have been measured in automotive repainting operations. Many material safety data sheets for auto paint do not indicate lead as a component. Inspections in automotive repainting operations should include air sampling for lead and evaluation of the information on the MSDS.

Paper Referenced for SIC 2821 – Coyle, P., Kosnett, M.J., Hipkins, K., Severe Lead Poisoning in the Plastics Industry: A Report of Three Cases; Am. J. Ind. Med., 47:172-175 (2005). This SIC was also flagged in the targeting list for the previous Lead NEP.

7997 is Membership Sport and Recreation Clubs and includes gun clubs, shooting clubs and hunt clubs as well as such establishments as aviation clubs, beach clubs and yacht clubs. Similarly, 7999 is

Amusement and Recreation Services, Not Elsewhere Classified and includes shooting galleries and shooting ranges as well as such establishments as baseball instruction schools, moped rental and yoga instruction. It is assumed that the occupational lead exposure to employees in these two SIC codes are from gun clubs and shooting ranges and galleries. Under this NEP, OSHA would not be interested in inspecting establishments within these SIC codes unless lead exposure is suspected, such as at shooting ranges. (Also, OSHA does not have jurisdiction with respect to exposure of nonemployee members or participants of these, but only with respect to exposures of employees.) In this regard, Area Offices should be aware that armories and law enforcement organizations may house shooting ranges as well. Federal law enforcement facilities would fall under Federal OSHA jurisdiction, while municipal facilities would fall under State control.

Appendix B

**November 2013 Expanded List of Establishments
SIC Table**

SIC	NAICS	Industry
8999	541620 562910	De-Leaders
7349	561720	Cleaning Contractors (at Firing Ranges)
3482	332992	Small Arms / Ammunition
3483	332993	
3484	332994	
5093	562920	Electronic Waste Recycling
0782	561730	Landscaping Services (at Firing Ranges)