



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-14-002C

EFFECTIVE DATE: 3/18/2015

SUBJECT: Region-wide Local Emphasis Program (LEP) - Work Places That Have Released EPA Monitored Chemicals

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: To establish a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industries that have released EPA monitored chemicals

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

References: OSHA Instructions: CPL 02-00-150, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, OSHA Instruction 14-01 (CPL 02), OSHA Regional Notice CPL 02-11-01D, CPL 03-00-014 and OSH Act of 1970 - (Amended 1998)

Cancellation: CPL 02-14-002B (corrects clerical error VIII.B.)

Expiration: September 30, 2015

Action Offices: Region VII Regional and Area Offices

Originating Office: Kansas City Regional Office – Enforcement Programs

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:


Marcia P. Drumm
Regional Administrator

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- I. Purpose. This Notice establishes a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments that have released EPA monitored chemicals.
- II. Scope. This Notice applies to all federal Area Offices in Region VII.
- III. Action. The Acting Regional Administrator and Area Directors shall ensure that the procedures established in this Notice are adhered to in the scheduling of programmed inspections.
- IV. Expiration. This Notice will expire September 30, 2015 and may be renewed based on the program's evaluation at that time.
- V. References.
 - A. OSHA Instruction 02-00-150, April 22, 2011, Field Operations Manual (FOM).
 - B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
 - C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
 - D. OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, dated May 28, 1998, Appendix A, revised May 27, 2014.
 - E. OSHA Instruction 14-01 (CPL 02), Site Specific Targeting 2012 (SST-12), dated March 6, 2014, or most current version.
 - F. OSHA Regional Notice CPL 02-11-01D, Region-wide Local Emphasis Program (LEP) - Work Places with Noise and Respiratory Hazards, dated October 1, 2014, or most current version.
 - G. OSHA Instruction CPL 03-00-014, PSM Covered Chemical Facilities National Emphasis Program, dated November 29, 2011.
- VI. Background. Under previous and currently used systems to select high hazard establishments for programmed inspections, the priority for General Industry inspections is based on the Bureau of Labor Statistics (BLS) Days Away, Restricted or Transferred (DART) rates in addition to Days Away From Work Injury and Illnesses (DAFWII) rates. This LEP was developed to make use of site-specific chemical release data from the Environmental Protection Agency (EPA) TRI Explorer database. (http://iaspub.epa.gov/triexplorer/tri_release_chemical) This LEP would make efficient use of OSHA's limited industrial hygiene resources by focusing them on industrial sites that are known to have hazardous chemicals.

This LEP is meant to increase the probability of inspecting such establishments within the jurisdictional boundaries of OSHA Region VII which have not received a comprehensive OSHA health inspection within the previous thirty-six (36) calendar months. This LEP will not include Federal Agency establishments.

- VII. Outreach. Prior to the initiation of inspection activity, a region-wide news release will be developed in the Regional Office and distributed to the media. This news release will inform the affected industries of the existence of this program. In addition, information about this program will be made available during speeches by staff of all Region VII federal Area Offices to any audience with possible connections to the affected industries.
- VIII. Establishment Targeting/Selection. Using the Environmental Protection Agency (EPA) TRI Explorer database, a list of chemicals which were each released into the environment in quantities equal to or exceeding 100,000 pounds during 2011 for Kansas, Missouri and Nebraska was developed. The list was further narrowed by identifying only those chemicals common to all three states (Appendix A).
- A. Chemical Hazard Industry List. Using the Environmental Protection Agency (EPA) TRI Explorer database, the specific industrial sites which had released (during 2013) any of the chemicals from Appendix A in the geographical jurisdiction of each OSHA Area Office in Region VII were identified.
- B. Establishments with Reported Chemical Releases. The list of establishments was limited to only those sites which had released chemicals (see Appendix A) into the environment in quantities equal to or exceeding 1,000 pounds. This limited list will make up the health inspection list for each Area Office.
- C. Deletions. Area Offices will be responsible for making appropriate deletions from the inspection list in accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, Paragraph B.1.b.(1)(b)6.d.Deletions, except that the criteria for I# is not applicable and H#, S#, and T# have been modified by this LEP (*note: H = health; S = safety; T = ten or fewer employees; I = incorrect SIC code; and # = digit of the fiscal year*). The coding originally was defined to determine deletion from an inspection list if the establishment had a substantially complete or focused health (H) or safety (S) inspection conducted within the previous five (5) fiscal years. This LEP provides that an establishment is deleted from the inspection list if it has received a comprehensive health inspection or a comprehensive process safety management (PSM) inspection (which may have been coded as safety or health) within the previous thirty-six (36) calendar months prior to

being selected in a cycle. This LEP will include establishments with ten or fewer employees.

IX. Area Office Inspection Cycle Development. Inspection scheduling shall be in accordance with the FOM.

A. The Omaha Area Office, Kansas City Area Office and St. Louis Area Office will develop cycles as follows: The Area Office inspection list shall be placed in numerical order based on the amount of chemicals released (highest to lowest). A cycle consisting of at least five, but up to 10 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 duplicate random 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 not a formula, which will allow the worksheet to be opened without the possibility of changing the already assigned random numbers. Once the establishments are selected, deletions will be made pursuant to the deletions policy set forth in paragraph VIII(C) of this directive. Subsequent cycles shall be generated in the same manner. Each inspection cycle must be completed before another cycle is generated from that list. An establishment may be carried over to another cycle for any of the reasons set forth in CPL 02-00-025, paragraph B.1.b.(1)(e).1.

B. The Wichita Area Office will develop cycles as follows: The Area Office inspection list shall be placed in numerical order based on the amount of chemicals released (highest to lowest). Next, the establishments will be randomly numbered using the most current version of Microsoft Excel's Random Sample Function, i.e., RANDBETWEEN function in Microsoft Excel. To prevent duplicate random 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 not a formula, which will allow the worksheet to be opened without the possibility of changing the already assigned random numbers. The establishments will be inspected in the order they appear on the list, i.e. "1" will be the first cycle, "2" will be the second cycle, and so on. Before an inspection commences, deletions as set forth in paragraph VIII(C) of this directive will be applied.

X. Inspection Procedures

A. Each establishment selected for an inspection under this program will receive a comprehensive health inspection as defined by the FOM. Specific areas of interest will include hazard communication, respirators, noise, and employee exposures to chemicals via inhalation, absorption or ingestion. Process Safety Management (PSM) related processes will

include an initial evaluation of only the following: employee participation; training, contractors, hot work permits, incident investigation, and emergency planning and response. PSM referrals may be made as per the FOM and CPL 03-00-014.

- B. If the occasion for an unprogrammed (e.g., complaint, referral, or fatality) inspection arises with respect to an establishment on the Area Office's Inspection List (even if it is not selected for the current cycle), the establishment will receive a comprehensive inspection as outlined above in X. A.
- C. If any establishment on the Area Office's Inspection List (even if it is not selected for the current cycle), is selected for a programmed health inspection under any other LEP or NEP (National Emphasis Program) the establishment will receive a comprehensive inspection as outlined above in X. A.

XI. Recording in OIS.

- A. Inspections that are targeted as a result of this LEP will be coded as "EPAHEALTH" on the Inspection tab/Inspection Type tab under Local Emphasis Program and as Programmed Planned on the same tabs under Initiating Type.
- B. Inspections that are conducted as a programmed inspection under another NEP or LEP and also inspected under this LEP will be coded as "EPAHEALTH" on the Inspection tab/Inspection Type tab under Local Emphasis Program.
- C. Inspections that are conducted as a result of a complaint, referral, or fatality/catastrophe will be coded as "EPAHEALTH" on the Inspection tab/Inspection Type tab under Local Emphasis Program and the appropriate unprogrammed activity on the same tabs under Initiating Type.
- D. Where "program related" inspections are conducted, they will be so indicated on the Inspection tab/Inspection Type tab.

XII. Evaluation. No later than October 30, 2015, the ARA/EP will prepare a formal written evaluation of this Region-wide LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.



Marcia P. Drumm
Regional Administrator

3-18-15
Date

Concurrence of the Regional Solicitor's Office:


Signature


Date

Distribution:

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

Appendix A-Chemicals released \geq 100,000 lbs. and common to KS, MO & NE

Ammonia
Barium & Barium Compounds
Chromium & Chromium Compounds
Copper & Copper Compounds
Hydrochloric Acid
Hydrogen Fluoride
Lead & Lead Compounds
Manganese & Manganese Compounds
N-Hexane
Nitrate Compounds
Styrene
Sulfuric Acid
Vanadium Compounds
Zinc Compounds