



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-08-02D

EFFECTIVE DATE: October 1, 2016

SUBJECT: Local Emphasis Program (LEP) for Electrical Hazards in General Industry Establishments

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Notice continues a Local Emphasis Program (LEP) to identify and reduce or eliminate workplace electrical hazards which are likely to cause electrocution, electrical shock, and/or fire in General Industry establishments. This Notice also establishes procedures for inspections of complaints and referrals relating to this electrical LEP.

References: OSHA Instructions: CPL 04-00-001, CPL 02-00-150, CPL 02-00-051, CPL 02-00-025, and CPL 02-00-140.

State Impact: None

Expiration: September 30, 2017

Action Offices: St. Louis Area Office - Region VII

Originating Office: Kansas City Regional Office

Contact: Enforcement Programs (816) 283-8745

By and Under the Authority of:

Kimberly A. Stille
Regional Administrator

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- I. Purpose. This Notice describes policies and procedures for continuing a Local Emphasis Program (LEP) to identify and reduce workplace electrical hazards which are likely to cause electrocution, electrical shock, and/or fire hazards in General Industry establishments. This Notice also provides procedures for inspections of complaints and referrals relating to this electrical LEP.
- II. Scope. This Notice applies to General Industry establishments within the St. Louis Area Office's jurisdiction.
- III. Expiration. The Notice will expire on September 30, 2017.
- IV. References.
 - A. OSHA Instruction CPL 04-00-01, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
 - B. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
 - C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, and Change dated January 29, 2016 (Appendix A), or most current version.
 - D. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 04, 1995.
 - E. OSHA Instruction CPL 02-00-140, Complaint Policies and Procedures, June 23, 2006.
 - F. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
 - G. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- V. Background.

Establishments that the St. Louis Area Office has enforcement over have experienced several electrical-related fatalities during the last two Fiscal Years (FYs), and during FY 2015. In FY 2013, there were three fatalities related directly to electrocution. In FY 2014, there were an additional three fatalities related to electrocution and electrical-related instances. In FY 2015, the St. Louis Area Office investigated one fatality related to an electrocution. In FY 2016, the St. Louis Area Office investigated two fatalities related to an electrocution. The related electrical citations pertinent to these fatalities, and prior electrical LEPs have shown, there is a need to continue this LEP as described below.

Numerous electrical violations were cited during inspections covered by the previous LEPs for Electrical Hazards in General Industry (ELEGI) from January 1,

2012 to August 10, 2016. Of the 28 inspections conducted under the previous electrical LEPs for that time frame, there were 77 violations issued (approximately 3.43 violations per inspection). Of the 77 violations, approximately 58% were of electrical hazards. The percent of non-incompliance inspections with serious, willful, and/or repeat Violations Rate was 79.2%.

VI. Action.

The Regional Administrator, through the Assistant Regional Administrator for Enforcement Programs (ARA/EP), and the St. Louis Area Director shall ensure that the procedures outlined in this Notice are followed and adhered to in the scheduling of inspections under this LEP. OSHA Compliance Safety and Health Officers (CSHOs) shall ensure that the procedures contained in this Notice are followed when conducting inspections related to this LEP. The Regional and the St. Louis Area Offices will ensure that resources are allocated for the implementation of this program.

The Regional Administrator, through the Assistant Regional Administrator for Compliance Assistance Programs, shall ensure that the State Consultation Program Manager is apprised of the content of this LEP.

VII. Procedures.

A. Outreach. Prior to the initiation of this LEP, the St. Louis Area Office mailed information to the targeted employers. The information included a letter explaining the purpose of the program and will also include materials relevant to the employer's particular industry. The information package is available upon request to employers, professional associations, and labor organizations. As an additional resource for achieving compliance, employers are encouraged to utilize the Missouri 21(d) Consultation Program.

B. Inspection Goals. The St. Louis Area Office shall conduct inspections under this program from the time of approval until September 30, 2017. Any cycle begun, but not yet completed at the end of the FY, shall be completed subject to the exceptions set forth in OSHA Instruction CPL 02-00-025 B.1.b(1)(e)1.

C. Site Selection and Scheduling. The St. Louis Area Office will compile an inspection list of establishments with 11 or more employees in the following SIC/NAICS codes. The following SIC/NAICS codes do not have to be the primary SIC/NAICS code for the inspection to be conducted. Inspections will be conducted at establishments that have the following SIC/NAICS codes for any operation performed at the establishment, and are located within the jurisdictional boundaries of the St. Louis Area Office.

2434 Wood Kitchen Cabinets (covering NAICS codes 337110 and 33711X)

2441 Wood Boxes (covering NAICS code 321920)

2448 Wood Pallets and Skids (covering NAICS code 321920)

- 2449 Wood Containers (covering NAICS codes 321920 and 32192X)
- 2499 Wood Products, Not Elsewhere Classified (covering NAICS codes 321999 and 32192X)
- 2511 Wood Household Furniture, Except Upholstered (covering NAICS codes 337122 and 337215)
- 2512 Wood Household Furniture, Upholstered (covering NAICS codes 517211, 561990, 334418, and 334419)
- 2521 Wood Office Furniture Manufacturing (covering NAICS code 337211)
- 2541 Wood Office and Store Fixtures, Partitions, Shelving, and Lockers (covering NAICS codes 337110, 337127, 337212, and 337215)
- 3411 Metal Cans (covering NAICS code 332431)
- 3412 Metal Shipping Barrels, Drums, Kegs and Pails (covering NAICS code 332439)
- 3423 Hand and Edge Tool Manufacturing (covering NAICS code 332212)
- 3441 Fabricated Structural Metal Manufacturing (covering NAICS code 332312)
- 3442 Metal Doors, Sash, Frames, Molding, and Trim (covering NAICS code 332321)
- 3443 Fabricated Plate Work (covering NAICS codes 332313, 332410, 333414, and 333415)
- 3444 Sheet Metal Work (covering NAICS codes 332321 and 332322)
- 3446 Architectural and Ornamental Metal Work (covering NAICS codes 332323, 332323, and 332999)
- 3448 Prefabricated Metal Buildings and Components (covering NAICS code 332311)
- 3469 Metal Stamping (covering NAICS codes 332116 and 332439)
- 3544 Special Dies and Tools, Die Sets, Jigs and Fixtures, and Industrial Molds (covering NAICS codes 333511 and 333514)

1. List Generation and Randomization.

- a. The National Office's Office of Statistical Analysis (OSA) will prepare a Master List using the OSA's most current establishment file. OSA will identify establishments in the SIC/NAICS listed in Section VII.C. with 11 or more employees within the jurisdictional boundaries of the St. Louis Area Office. OSA will assign a random number to each establishment on the OSA-generated Master List and provide the Master List to the St. Louis Area Office, sorted in random number order.
- b. The St. Louis Area Office may add establishments to the OSA-generated Master List, based on the 2008 Missouri Directory of Manufacturers' Harris InfoSource. The St. Louis Area Office must retain documentation of every addition made to the Master List and, prior to its use, the revised List must be re-randomized – either by OSA or by the St. Louis Area Office using the RANDBETWEEN function in Microsoft Excel.

2. List Gen Webpage.

- a. The Office of Statistical Analysis (OSA) has automated the process of compiling, randomizing, and delivering LEP inspection targeting lists (i.e. Master Lists) to the field offices. The St. Louis Area Office can access and download its Master List from the ListGen webpage. The St. Louis Area Office can also load the selection criteria for this LEP.
- b. The ListGen application uses Oracle's "DBMS Random" tool to assign random numbers to the list.
- c. The St. Louis Area Office will generate only one list for this LEP. The ListGen application selects and returns ALL establishments meeting the selection criteria (it does not sample). Multiple lists generated from the same file would return the same establishments. The file date is displayed within the system and on the generated reports, and the application will provide a warning if a second list for a given program is generated from the same file.
- d. The St. Louis Area Office may print and export the Master List. Once created, the Master List remains available on the system. The St. Louis Area Office can access the OSA-generated Master List at <http://appl.erg.com/listgen/login>.

3. Deletions. Establishments that have received a comprehensive safety inspection or a health only comprehensive inspection within the previous three years will be removed from the inspection list as each cycle is developed. Deletion criteria in OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, Paragraph B.1.B.(1)(b)6.d., will be applied to the list of establishments. A complaint inspection does not delete the employer from the inspection list.

4. Inspection Cycles. A "cycle" is a subset of establishments from the Master List that allows the St. Louis Area Office to use its enforcement resources more efficiently: rearranging establishments' order within a cycle is reasonable, because it furthers OSHA's legitimate goal of efficient allocation of inspection resources.

The St. Louis Area Office will schedule inspections in the following manner:

- a. The St. Louis Area Office will create cycles by choosing a set of twenty (20) establishments from the Master List, sorted in a random number order. The St. Louis Area Office will then inspect those establishments within a cycle in any order that makes efficient use of resources, however all establishments within a cycle must be inspected prior to initiating a new cycle.

Carryovers will be allowed, as provided in OSHA Instruction CPL 02-00-025, paragraph B.1.b.(1)(e).

5. Inspections of fatalities/catastrophes or referrals alleging a serious electrical hazard will be conducted in accordance with the FOM. Complaints alleging electrical hazards will be inspected in accordance with OSHA Instruction 02-00-140. In addition to the complaint items that relate to this electrical LEP, all other complaint items will be investigated and evaluated, as well as the company's compliance with all applicable electrical standards.

D. Inspection Scope.

1. These General Industry inspections of establishments selected for inspection from the Master Inspection List will be focused inspections. The CSHO will initially conduct a review of the establishment's OSHA 300 records. Inspections will concentrate on electrical hazards, including lockout/tagout (programs and related procedures), any other electrical programs (e.g., maintenance procedures), panel breaker boxes, permanently installed parts of electrical systems (i.e., conduit, electrical receptacle boxes, ground system(s), etc.), flexible cords / extension cords, and permanent electrical installation for stationery machinery.
2. All complaint and referral inspections will be focused inspections. Inspections will be conducted in accordance with OSHA Instruction 02-00-140, and will concentrate on all aspects of the complaint items as well as all electrical standards as set forth in paragraph D.1. above. The CSHO may expand the scope of the inspection if other hazards or violations are observed during the inspection or are documented in the OSHA 300 Logs.
3. If the employer refuses to permit entry to a CSHO, a warrant will be pursued in accordance with the FOM.

- E. Data Collection. The St. Louis Area Office will collect data from OSHA 300 Logs for the prior three years from all those employers inspected under this program who are required to maintain them.

VIII. OIS Coding.

The OSHA-1 Forms for all inspections conducted in establishments that are covered by this program shall be coded "ELECGI" in the Block for Local Emphasis Program.

All Consultation activities (requests, visits, and compliance assistance) conducted at establishments in the SIC/NAICS codes listed in the LEP will be coded with "ELECGI" in the Local Emphasis Program field on the appropriate forms.

IX. Evaluation. The St. Louis Area Office will prepare a formal written evaluation for the ARA/EP of this LEP in the format specified by OSHA Instruction CPL 04-00-001 no later than October 30, 2017.

Kimberly A. Stille
Regional Administrator

(Date)

Concurrence of the Regional Solicitor's Office:

(Signature)

(Date)

Distribution:

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