



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 02-11-01G

**EFFECTIVE DATE:** October 1, 2016

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**SUBJECT:** Region-wide Local Emphasis Program (LEP) - Work Places with Noise and Respiratory Hazards

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**REGIONAL IDENTIFIER:** Region VII

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## ABSTRACT

**Purpose:** To continue a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industries that commonly have noise and respiratory hazards.

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

**References:** OSHA Instructions: CPL 02-00-160, CPL 04-00-001, CPL 02-00-025, and CPL 02-00-051

**Expiration:** September 30, 2017

**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:

Kimberly A. Stille  
Regional Administrator

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- I. Purpose. This Notice continues a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industries that commonly have occupational noise and respiratory hazards.
- II. Scope. This Notice applies to all Federal Area Offices in Region VII.
- III. Action. The 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 on September 30, 2017 and may be renewed based on the program's evaluation at that time.
- V. References.
  - A. OSHA Instruction 02-00-160, August 2, 2016, 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 and Change dated January 29, 2016 (Appendix A), or most current version.
  - E. Memorandum from Thomas Galassi to Regional Administrators on Procedures for Local and Regional Emphasis Programs, December 3, 2014.
  - F. Memorandum from Francis Yebesi to Regional Administrators on Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- 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 when it was noticed that there were nine Standard Industrial Classification (SIC) codes that were in the top 15 most cited groups for both 1910.95 and 1910.134. Employees of these same nine Industry Groups would, therefore, possibly be at risk for both hearing loss and respiratory illness or injury. During the most recent renewal of this LEP in FY

2015 (October 1, 2015 through July 31, 2016), 51 inspections were conducted. There were 2.97 violations cited per inspection; 84.9% of the violations cited were classified Serious, Willful, or Repeat.

In order to make efficient use of OSHA's limited industrial hygiene resources by focusing them on industries that commonly have both noise and respiratory hazards, this LEP will be continued. As per CPL 02-00-051 (Reference D.), this health hazard targeting program will include industries with ten or fewer employees.

- VII. Outreach. Shortly after the original effective date of this LEP, a region-wide news release was distributed to the media. This news release informed 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. Inspection Targeting. This LEP continues the targeting established in the initial LEP and its most recent renewals. Using the Industry Profile for OSHA Standard 1910.95 (FY2008) and the Industry Profile for OSHA Standard 1910.134 (FY2008) from OSHA's Integrated Management Information System (IMIS), a list of SIC Industry Groups was developed.
  - A. Health Hazard Industry List. The Industry Profile for an OSHA Standard identifies those Industry Groups which have had citations for that OSHA Standard issued within a specific fiscal year, and sorts that list from most-cited group to least-cited group. The Industry Profile for OSHA Standard 1910.95 (FY2009), using the three digit SIC code, was compared to the Industry Profile for OSHA Standard 1910.134 (FY2009). There were nine SIC codes that were in the top 15 most cited groups for both 1910.95 and 1910.134. This LEP continues to cover these nine industries [as well as their related North American Industry Classification System (NAICS) codes] as the health hazard list (see Appendix A).
  - B. Establishments in Health Hazard Industries. Using the most recently available Dun and Bradstreet employer list prepared by OSHA's Office of Statistical Analysis (OSA), each Region VII federal enforcement Area Office prepared a Master List of establishments using the identified SIC/NAICS codes referenced in Appendix A of this directive. This list of establishments makes up the health inspection list.
  - C. Deletions.
    - 1. Establishments that have had a comprehensive health inspection within the previous thirty-six (36) calendar months will be removed from the list prior to initiating inspections in inspection

cycles. 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 with the exception of deletion criteria H#, I#, S#, and T#.

IX. Inspection Scheduling. Inspection scheduling shall be in accordance with the FOM. *[NOTE: Cycle generation will be a continuation of the original directive, CPL 02-11-01, dated October 1, 2010, renewal CPL 02-11-01A, dated October 1, 2011, and renewal CPL 02-11-01B, dated October 1, 2012, and will follow the same procedures as set forth herein.]*

A. Inspection Cycles. Inspection cycles will be generated from the health inspection list. Each establishment remaining on the list shall be placed in alphabetical order and assigned a sequential number. Each cycle will consist of five establishments 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. Each inspection cycle for each list 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. Subsequent cycles shall be generated in the same manner using cycles of five establishments each.

X. Inspection Procedures.

A. Each establishment scheduled for inspection from the health inspection list, as well as any unprogrammed health inspection or investigation such as a complaint, referral, or fatality in an establishment with a SIC code in Appendix A, shall receive a comprehensive health inspection as defined by the FOM (Chapter 3).

B. For any unprogrammed safety inspection or investigation such as a complaint, referral, or fatality in an establishment with a SIC/NAICS code in Appendix A, the OSHA Compliance Officer shall conduct sound level meter screenings. If sound levels exceed OSHA permissible limits, a health referral will be made. The Compliance Officer shall also assess respirator use and respirator programs for compliance with the respirator standard and propose citation(s) or make a health referral if necessary.

XI. Recording in OIS.

A. Current OIS instructions for completing the appropriate inspection classification tabs shall be applied when recording inspections conducted under the LEP as follows:

1. A programmed inspection conducted under this LEP shall be marked "Planned" and "Local Emphasis Program" "RESPNOISE".
2. When it is discovered upon arrival at a worksite scheduled for an LEP inspection that the establishment should have been deleted from the list (e.g., establishment is out of business, etc.), "No Inspection" shall be recorded.
3. Unprogrammed inspections related to complaints or referrals requiring inspection, imminent danger, and fatality or catastrophe investigations will be coded as normally required under the FOM. In addition the designation "RESPNOISE" will be recorded in the LEP space.
4. All consultation activities (i.e., requests, visits, and compliance assistance conducted at establishments in the SIC/NAICS codes included in this LEP) will be coded with "RESPNOISE" in the Local Emphasis Program field on the appropriate forms.

XII. Evaluation. No later than October 30, the Assistant Regional Administrator for Enforcement Programs (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.

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Kimberly A. Stille  
Regional Administrator

\_\_\_\_\_  
(Date)

Concurrence of the Regional Solicitor's Office:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(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 - Health List Common to Both 1910.95 & 1910.134

<b>INDUSTRY CLASSIFICATION</b>		
<b>Industry Group 344: Fabricated Structural Metal Products</b>		
SIC Codes	3441, 3442, 3443, 3444, 3446, 3448, 3449,	
NAICS Codes	332312, 332321, 332313, 332410, 332420, 333415, 332321, 332322, 332439, 332323, 332311, 332114	
<b>Industry Group 328: Cut Stone and Stone Products</b>		
SIC Code	3281	
NAICS Code	327991	
<b>Industry Group 349: Miscellaneous Fabricated Metal Products</b>		
SIC Codes	3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499	
NAICS Codes	332911, 332912, 332613, 332919, 332999, 334519, 332215, 332618, 333924, 322220, 332996, 332117, 332439, 332510, 332919, 336360, 337215	
<b>Industry Group 347: Coating, Engraving, and Allied Services</b>		
SIC Codes	3471, 3479	
NAICS Codes	332813, 332812, 339910	
<b>Industry Group 327: Concrete, Gypsum, and Plaster Products</b>		
SIC Codes	3271, 3272, 3273, 3274	
NAICS Codes	327331, 327332, 327390, 327999, 327320, 327410	
<b>Industry Group 243: Millwork, Veneer, Plywood, and Structural Wood</b>		
SIC Codes	2431, 2434, 2435, 2436, 2439	
NAICS Codes	321911, 321918, 337110, 321211, 321212, 321213, 321214	
<b>Industry Group 371: Motor Vehicles and Motor Vehicle Equipment</b>		
SIC Codes	3711, 3713, 3714, 3715, 3716	
NAICS Codes	336111, 336112, 336120, 336211, 336992, 336310, 336320, 336330, 336340, 336350, 336390, 336212, 336213	
<b>Industry Group 336: Nonferrous Foundries (Castings)</b>		
SIC Codes	3363, 3364, 3365, 3366	
NAICS Codes	331523, 331524, 331529	
<b>Industry Group 332: Iron and Steel Foundries</b>		
SIC Codes	3321, 3322, 3324, 3325	
NAICS Codes	331511, 331512, 331513	