



# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

---

**DIRECTIVE NUMBER:** CPL 2-07-13K

**EFFECTIVE DATE:** November 1, 2016

---

**SUBJECT:** Local Emphasis Program on Oil and Gas Operations

---

**REGIONAL IDENTIFIER:** Region VII

---

## ABSTRACT

- Purpose:** This Notice continues a local emphasis program (LEP) for the purpose of conducting inspections in the Oil and Gas industry within the jurisdiction of the Wichita Area Office, OSHA Region VII. The employers to be targeted are classified in the North American Industry Classification System (NAICS) codes 211111, Crude Petroleum and Natural Gas Extraction, and 213111, Drilling Oil and Gas Wells. Employers in NAICS 213112, Support Operations for Oil and Gas Operations, may be affected, but are not being initially targeted. The goal of this LEP is to reduce the days away case rate and fatality rate in this industry in line with OSHA's Strategic Management Plan (SMP), Goal 1.
- Scope:** This Notice applies to the State of Kansas, the jurisdiction of the Wichita Area Office.
- References:** OSHA Instructions: CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, CPL 02-00-160; Kansas Corporation Commission Statewide Spud Report; and Department of Labor Strategic Plan for FY 2014-2018
- Cancellation:** This Notice cancels CPL 2-07-13J.
- Expiration:** September 30, 2017
- Action Office:** Region VII (Wichita Area Office)
- Originating Office:** Kansas City Regional Office
- Contact:** Enforcement Programs (816) 283-0545

By and Under the Authority of:

Kimberly Stille  
Regional Administrator

## Table of Contents

I. Purpose.....	3
II. Scope.....	3
III. Action.....	3
IV. Expiration.....	3
V. References .....	3
VI. Background .....	4
VII. Outreach.....	5
VIII. Scheduling.....	5
IX. Recording in OIS.....	7
X. Evaluation.....	7

- I. Purpose. This Notice continues a Local Emphasis Program (LEP) for the purpose of conducting inspections in the Oil and Gas industry within the jurisdiction of the Wichita Area Office, OSHA Region VII.

The employers to be targeted are classified in the North American Industry Classification System (NAICS) codes 211111, Crude Petroleum and Natural Gas Extraction, and 213111, Drilling Oil and Gas Wells. Employers in NAICS 213112, Support Operations for Oil and Gas Operations, may be also be inspected (see paragraph IX.B.4) if they are observed working while inspections of NAICS 211111 or 213111 employers are being conducted. However, NAICS 213112 employers are not being targeted initially.

The goal of this LEP is to reduce the days away case rate and fatality rate in this industry in line with OSHA's Strategic Management Plan (SMP), Goal 1.

- II. Scope. This Notice applies to establishments within the identified NAICS in the jurisdiction of the Wichita Area Office, which is the state of Kansas.
- III. Action. The Regional Administrator and the Wichita Area Director shall ensure that the procedures established in this Notice are adhered to in the scheduling of programmed inspections.
- IV. Expiration. This Notice expires on September 30, 2017, and may be renewed based upon an evaluation of the program at that time.
- V. References.
  - A. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEP), November 10, 1999.
  - B. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections.
  - C. OSHA Instruction CPL 02-00-051, May 28, 1998, Exemptions and Limitations under the Appropriations Act and Change dated January 29, 2016 (Appendix A), or current version.
  - D. OSHA Instruction CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
  - E. Kansas Corporation Commission Statewide Spud Report.
  - F. OSHA's Strategic Management Plan (SMP) for 2003-2008.
  - G. Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.

H. Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.

VI. Background. In OSHA's Strategic Management Plan for 2003-2008, OSHA identified seven high incidence/high severity rate industry groups based upon certain selection criteria. The following selection criteria were applied to identify the industry sets: (1) no more than 30% of the injuries/illnesses that resulted in days away from work were associated with ergonomic events; (2) in calendar year (CY) 2000, the Lost Workday Injury/Illness (LWDII) rate was greater than 3.5; (3) more than 50% of all injuries resulted in at least six days away from work; (4) the industry was a non-construction industry; (5) in CY 2000, there were at least 5000 injury and illness cases in the industry; (6) no more than 10% of the injuries involved transportation accidents; and (7) no more than 10% of the injuries involved workplace violence. The seven industries that met the criteria included: landscape/horticulture services; oil & gas field services; preserving fruits & vegetables; concrete, gypsum & plaster products; furnace & basic steel products; ship & boat building & repairing; and public warehousing & storage. The primary goal of the SMP is to reduce the number of injury and illnesses in the seven high incidence/high severity rate industries by 4%.

Of the seven high incidence/high severity rate industries identified, the Wichita Area Office chose to address oil and gas operations (NAICS 211111 and 213111) for a local emphasis program. This industry is engaged in oil and gas drilling and extraction operations.

According to National OSHA inspection history, 90 inspections were conducted during FY 2002 in oil and gas operations. Of those 90 inspections, 29 were initiated as the result of a fatality. According to the Bureau of Labor Statistics (BLS) the fatality rate for Oil and Gas Field Services, NAICS 211111, 213111 and 213112, was 41.6 fatalities per 100,000 workers for calendar year 2001. The fatality rate for all industries for 2001 was 5.3 fatalities per 100,000 workers. Thus, the fatality rate for these NAICS is 7.8 times the average rate for all industries. Between FY1997 and FY2004 the Wichita Area Office conducted eight (8) fatality inspections in NAICS code 211111 and 213111, Crude Petroleum and Natural Gas Extraction and Drilling Oil and Gas Wells respectively.

Since commencement of this program in fiscal year (FY) 2006 through FY 2016, the Wichita Area Office conducted 76 programmed inspections and 126 unprogrammed inspections, which included complaints, referrals, employer-reported referrals and 10 fatalities. During FY 2016, inspection data through July 31, 2016 identified 5 inspections conducted, which included 1 fatality and improved the working conditions for 704 employees.

By targeting inspection activity to employers in this industry, OSHA's goal is to reduce injury and fatality rates in the oil and gas drilling, exploration and servicing industry. Continuation of this program through FY 2017 provides a proactive targeting scheme allowing for a broad range of coverage for the oil and gas industry throughout the state of Kansas.

VII. Outreach. Prior to the initiation of inspection activity under the original LEP (CPL 2-07-13), the Wichita Area Office issued a news release summarizing the hazards related to this industry as well as the enforcement activities that will take place pursuant to this LEP. Area Office contact information was included. This information will continue to be made available upon request to employers, professional associations, and labor organizations. As an additional resource for achieving compliance, employers will be encouraged to utilize the OSHA Consultation Service delivered by the Kansas Department of Labor.

VIII. Scheduling.

A. Selection of establishments for programmed inspections:

1. Inspection List. A "Statewide Spud Report" will be obtained from the Kansas Corporation Commission (KCC). The Statewide Spud Report identifies the well name and location for each active drilling site in the state of Kansas. "Spudding" refers to beginning drilling by alternately raising and releasing a spudding bit with a drilling rig, or to dig, remove or otherwise treat with a spud. Employers must notify the KCC when they have begun, or intend to begin within hours, to spud. The Statewide Spud Report will be for all sites that have been spudded in the previous 5 calendar days, from the date of the request. (For example, if a request was made on the 20<sup>th</sup>, the Spud Report date range would include the 15<sup>th</sup> –19<sup>th</sup>). Each Statewide Spud Report received will be considered an inspection list.
2. Inspection Cycles. Inspection cycles will be developed as follows:
  - a. The random numbers table in CPL 02-00-025, Scheduling System for Programmed Inspections, will be applied to the inspection list to determine which well name/location will be selected for inspection.
  - b. An inspection of the well name/location identified as "1" by the random numbering will be conducted. This will be inspection cycle one. When that inspection is completed or is determined for any reason to be a "no inspection" the operator/well name/location cycle one will be considered completed. If resources are available within the same calendar week, a second site will be randomly selected from the inspection list and an inspection will be conducted. This will be inspection cycle two. The maximum number of cycles selected from

any given inspection list will be two. This is due to the frequent changes to the Statewide Spud Report and the need for the most up-to-date drilling information to ensure the most efficient use of compliance resources.

**B. Inspection Procedures for Programmed Inspections:**

1. Inspection procedures outlined in the FOM will be followed. Except as stated in B.2. below, a comprehensive safety and health inspection will be conducted at each selected site. Resources permitting, joint safety and health inspections will be conducted simultaneously. When this is not possible, either the safety or a health inspection will be initiated with the opposite discipline to follow as resources become available or the Area Director may allow a cross-trained CSHO to address both safety and health hazards.
2. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Appropriations Act and its current Appendix A, will be adhered to in the implementation of this program. Affected employers who employ 10 or fewer employees currently and at all times during the last 12 months (from the inspection date) will not receive a programmed safety inspection. Only a programmed health inspection will be conducted.
3. During the course of an inspection, if it is determined that another employer in NAICS 213112 is engaged in work at the inspection site, a programmed-related inspection will commence for that employer following the same conditions as identified in #1 and #2 above.
4. A Driller is defined as an employer who performs work under North American Industry Classification System 213111. Once a Driller receives an inspection under this LEP, the Driller will not receive another programmed inspection for a period of six months following completion of the inspection. The six-month period is to provide a sufficient opportunity for the Driller to ensure compliance at its other drilling sites. An exception to this policy should be applied in the event that a Compliance Safety and Health Officer (CSHO), inspecting at another drilling site where this Driller is present, finds an imminent danger situation at that drilling site. Under those circumstances, an inspection will commence as outlined in subparagraph C, below.

**C. Unprogrammed Inspections:**

1. Reports of imminent danger, fatality/catastrophe, complaints, and referrals concerning worksites within NAICS 211111, 213111 and 213112 shall be

scheduled as unprogrammed inspections and will be conducted in accordance with the FOM. An inspection will be conducted in the event such report (including an OSHA referral) provides reasonable cause to believe that a serious hazard or a serious violation may exist at the worksite.

2. If a CSHO observes an active drilling rig (NAICS 211111 or 213111), the CSHO will make a referral and conduct an inspection. Inspection procedures as outlined in VIII. B. above will be followed.

IX. Recording in OIS. Inspections conducted under this LEP will be identified in the OSHA Information System (OIS) as follows:

- A. Current instructions for completing the appropriate inspection classification boxes in OIS will be followed.
- B. The OIS form(s) for any programmed inspection scheduled under the procedures in this LEP will be marked “planned” and “Local Emphasis Program” and the word “OILGAS” will be recorded in the LEP space.
- C. The OIS form(s) for any unprogrammed inspection scheduled under the provisions of the FOM related to complaints, referrals, imminent danger, and fatality/catastrophe inspections will be coded as normally required under the FOM. In addition, the designation “OILGAS” will be recorded in the LEP space.
- D. An OIS Compliance Assistance form will be generated for an employer if a programmed safety inspection cannot be conducted in accordance with the *Enforcement Exemptions and Limitations under the Appropriations Act*. Block 3b shall be marked “OILGAS Outreach”.
- E. An OIS Compliance Assistance form will be generated as a result of any other technical assistance provided to employers, professional associations, local unions, etc., throughout the duration of this program shall be marked in block 3b. “OILGAS Outreach.”
- F. All consultation activities (requests, visits and compliance assistance) conducted at establishments in the NAICS codes included in this LEP will be coded with “OILGAS” in the Local Emphasis Program field on the appropriate forms.

X. Evaluation. No later than October 30, 2017, the Wichita Area Office will prepare a formal written evaluation of this LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

---

Kimberly Stille  
Regional Administrator

---

Date

---

Office of the Solicitor Concurrence

---

Date

Distribution:

Director of Enforcement Programs  
Regional Office of the Solicitor  
Regional Administrator  
Deputy Regional Administrator  
Assistant Regional Administrators  
Area Directors  
Supervisory Investigator  
Labor Liaison  
Field Review Program Coordinator