



OSHA

REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2-15-02B

EFFECTIVE DATE: October 1, 2016

SUBJECT: Expanded Health Standard Inspection Local Emphasis Program (LEP)

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: To continue a locally directed Local Emphasis Program for programmed health inspections of general industry establishments with potential employee exposure to chemicals regulated by expanded health standards.

Scope: This Notice applies to the Omaha Area Office

References: OSHA Instructions: CPL 02-00-160, CPL 04-00-001, CPL 02-00-025, CPL 02-00-051, CPL 02-02-076, CPL 03-00-009, CPL 03-00-013, and CPL 03-00-014

Expiration: September 30, 2017

Action Offices: Omaha Area Office

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 continues a Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industrial classifications with potential employee exposure to chemicals regulated by OSHA's expanded health standards, as identified by historical violations of these standards nationwide. This would potentially affect all establishments in these high hazard industries within the jurisdictional boundaries of the Omaha Area Office.
- II. Scope. This Notice applies to general industry establishments within the jurisdictional boundaries of the Omaha Area Office.
- III. Action. The Acting Regional Administrator and the Omaha Area Director 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 CPL 02-00-160, Field Operations Manual (FOM), August 2, 2016.
 - 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, January 4, 1995.
 - D. OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, dated May 28, 1998, Appendix A, change effective January 29, 2016, or most current version.
 - E. OSHA Instruction CPL 03-00-009, National Emphasis Program – Lead, August 14, 2008.
 - F. OSHA Instruction CPL 02-02-076, National Emphasis Program – Hexavalent Chromium, February 23, 2010.
 - G. OSHA Instruction CPL 03-00-018, National Emphasis Program – Primary Metal Industries, October 20, 2014.
 - I. OSHA Instruction CPL 03-00-014, PSM Covered Chemical Facilities National Emphasis Program, November 29, 2011.

- J. Memorandum from Thomas Galassi to Regional Administrators regarding Procedures for Local and Regional Emphasis Programs, December 3, 2014.
 - K. Memorandum from Francis Yebesi to Regional Administrators regarding 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. None of these programs specifically address health hazards.
- Because of the increased health risk of some chemicals, e.g., benzene, formaldehyde and methylene chloride, OSHA has created and enforced chemical-specific regulations for general industry known as “expanded health” standards (i.e., 29 CFR 1910.1001 to 1910.1052). These regulations not only include exposure limits and monitoring requirements but often include medical surveillance components.
- This LEP is meant to increase the probability of inspecting establishments in industries which use these highly-hazardous chemicals, within the jurisdiction of the Omaha Area Office, that have not received a comprehensive OSHA health inspection within the previous thirty-six (36) calendar months and are not covered by other specific targeting programs as referenced in paragraph VIII, below. Thereby in accordance with the Department of Labor Strategic Plan 2014 – 2018, this LEP addresses OSHA Performance Goal 2.1: “Improve workplace safety and health through the enforcement of occupational safety and health regulations and standards.” As per CPL 02-00-051 (Reference D), this health hazard targeting program will include establishments with ten or fewer employees. This LEP will not include Federal Agency establishments.
- VII. Outreach. Prior to the initiation of inspection activity in FY 2014, a Nebraska-wide news release was developed and distributed to the media. This news release informed the affected industries of the existence of this program. In addition, information about this program will continue to be made available during speeches by Omaha Area Office staff to any audience with possible connections to the affected industries.
- VIII. Establishment Targeting/Selection. Using the “Industry Profile for an OSHA Standard” search engine from the OSHA website (www.osha.gov), industries that had received citations for each of the expanded health standards (29 CFR 1910.1001 to 1910.1052) in fiscal year 2013 were identified. The search did not include asbestos, metals (lead, hexavalent chromium etc.) or bloodborne

pathogens because these materials are included in national emphasis programs such as lead (CPL 03-00-009), hexavalent chromium (CPL 02-02-076), and primary metals (CPL 03-00-013). Due to the National Office's outreach efforts, Hair, Nail, and Skin Care Services (NAICS 81211) are also not included. This search engine displays the (5 digit) industry NAICS codes in which a specified Federal OSHA standard is most often cited nationwide. The results of these searches were combined into one database which was sorted by number of inspections and number of citations. The five industries with the highest number of inspections and citations were identified. This LEP will cover the industries ranked 1 through 5 on this high health hazard list (see Appendix A).

- A. Establishments in High Hazard Industries. OSHA's National Office of Statistics provided the Omaha Area Office with a list of establishments in its jurisdiction based on those NAICS codes ranked 1 through 5 on the high hazard list (Appendix A). These sites become the Master List of establishments for inspections. Using the EPA Enforcement & Compliance History Online (ECHO) advanced facility search, all data in the ECHO database was searched using the NAICS codes in Appendix A for reporting facilities within the Omaha Area Office's jurisdiction. Those sites were added to the Master List. This list of establishments will make up the inspection list. This Master List will remain active until all sites have been inspected or a new industry profile is determined as per paragraph VIII in subsequent renewals of this directive.

After the establishment of the Master List, whenever the Omaha Area Office becomes aware of a previously unknown establishment within any of the identified SIC/NAICS codes, the establishment shall be added to a secondary list. Any establishment remaining on the secondary list will be placed in alphabetical order. A random number will be assigned 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.

- B. Inspection Cycles. Establishments on the Master List were placed in alphabetical order. A random number was assigned 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. Inspection cycles will be generated from the Master List. Each cycle will consist of at least five, but up to 10 establishments. 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, Scheduling System for Programmed Inspections, paragraph B.1.b.(1)(e)1.

- C. Deletions. The Omaha Area Office will be responsible for making appropriate deletions from the inspection list in accordance with OSHA Instruction CPL 02-00-025, 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 Master or Secondary List if it has received a comprehensive health inspection or a comprehensive process safety management 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. Establishments with ten or fewer employees will not be deleted.
 - D. Inspection Scheduling. Inspection scheduling shall be in accordance with CPL 02-00-160, Field Operations Manual (FOM).
- IX. 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 Master or Secondary List (even if it is not selected for the

current cycle), the establishment will receive a comprehensive inspection as outlined above in IX. A. Every safety compliance officer (CSHO), who conducts a programmed (National Emphasis Program (NEP) or LEP)) inspection in any establishment in the five NAICS codes comprising the list in Appendix A, shall also make an assessment of any health hazards relating to the expanded health standards (i.e., Chemicals) referenced in Appendix A. If the CSHO determines that a violation of OSHA health standards may exist, a referral to an industrial hygienist shall be made.

- 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 the establishment will receive a comprehensive inspection as outlined above in IX. A.

X. Recording in OIS.

- A. Inspections that are targeted as a result of this LEP will be coded as "XHEALTH" 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 "XHEALTH" 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 "XHEALTH" 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.
- E. All consultation activities (requests, visits, and compliance assistance) conducted at sites where vehicle-related standards are evaluated regarding powered industrial trucks and other material or personnel handling motorized equipment in construction, general industry, and maritime will be coded with "XHEALTH" in the Local Emphasis Program field on the appropriate forms.

- XI. Evaluation. No later than October 30 annually, the Omaha Area Office will provide the ARA/EP a formal written evaluation of this Region-wide LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

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 Rankings for FY 2013

Rank	NAICS	Industry Classification	Chemical
1	81221	Funeral Homes and Funeral Services	Formaldehyde
2	62149	Other Outpatient Care Centers	Formaldehyde
3	32311	Printing	Methylenechloride
4	33999	All Other Miscellaneous Manufacturing	Formaldehyde & Methylenechloride
5	32599	All Other Chemical Product and Preparation Manufacturing	Formaldehyde