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# OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** 15-08 (CPL 04-05)      **EFFECTIVE DATE:** October 1, 2014

**SUBJECT:** Local Emphasis Program for Automotive Services

**REGIONAL IDENTIFIER:** Region VIII

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## ABSTRACT

**Purpose:** This Notice describes policies and procedures for implementing a Local Emphasis Program (LEP) for the purpose of conducting inspections of Automotive Services operating within the Automotive Industry. The employers to be included in this LEP are classified within NAICS where automotive services are known to be in service. The goal of this LEP is to reduce the incidence of serious health and physical injury or death from hazards associated with automotive services.

**Scope:** This Notice applies to the establishments within the Englewood and Billings Area Office jurisdictions in the general industry NAICS codes listed in this directive.

**Reference:** OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.

**State Impact:** None

**Action Offices:** Englewood and Billings Area Offices

**Originating Office:** Englewood Area Office

**Contact:** Assistant Regional Administrator for Federal-State Operations  
Cesar Chavez Memorial Building  
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Denver, CO 80204  
(720) 264-6566

**By and Under the Authority of:**

  

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*for* **Gregory J. Baxter,**  
Regional Administrator, VIII

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## **EXECUTIVE SUMMARY**

This Notices describes the policies and procedures for implementing a Local Emphasis Program (LEP) addressing the automotive services industry in order to identify and subsequently reduce or eliminate the workplace incidence of health and physical hazards which are causing or likely to cause serious health effects and physical injury or death.

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- I. **Purpose:** Local Emphasis Program (LEP) for the purpose of conducting programmed inspections of automotive service facilities. The employers to be targeted are in the automotive industry and are classified within the NAICS codes listed below.

The goal of this LEP is to identify and reduce or eliminate the workplace incidence of health and physical hazards associated with automotive services which are causing or likely to cause serious health or physical injury or death.

- II. **Scope:** This Notice applies to automotive service facilities located within the jurisdiction of the Englewood Area Office and the Billings Area Office within Region VIII under the following NAICS codes:

<i>NAICS</i>	<b>Description</b>
441110	New Car Dealerships
811111	General Automotive Repair
811112	Automotive Exhaust Repair
811113	Automotive Transmission Repair
811118	Other Automotive Mechanical and Electrical Repair and Maintenance
811121	Automotive Body, Paint, and Interior Repair and Maintenance
811191	Automotive Oil Change and Lubrication Shops
811198	All Other Automotive Repair and Maintenance
441320	Tire Dealers

III. **References:**

- A. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.
- B. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
- C. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011, or the most recent version at date of inspection opening conference.
- D. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, February 22, 2013, or the most recent version on the date of the inspection opening conference.
- E. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker

Safety and Health, November 6, 2013.

- F. October 18, 2002, OSHA Memorandum: Annual Evaluations of Local Emphasis Programs.
- G. September 14, 2006, OSHA Memorandum: Coding Instruction Update for the FY 2006 - FY 2011 Strategic Plan.
- H. April 21, 2014 OSHA Memorandum: Generation and Randomization of Inspection Targeting Lists.
- I. IMIS Data Base, Search Results, OSHA Intranet, Search Date: January 22, 2013.
- J. ANSI/Automotive Lift Institute (ALI) ALIS-2009 Standard for Automotive Lifts – Safety Requirements for Installation and Servicing (Effective April 20, 2010).
- K. [www.AutoLift.org](http://www.AutoLift.org) for recent information and interpretations to above ALI Standards.
- L. ReferenceUSA.com

**IV. Expiration:** This LEP expires on September 30, 2015.

**V. Action Office:** Billings and Englewood Area Offices

**VI. Background:** Automotive service and repair work in the automotive industry exposes employees to a variety of physical and health hazards. A search of the 2012 BLS data for the NAICS codes listed above indicated that 86 fatalities occurred in these industries. A search of OSHA's public establishment search database for these NAICS codes also revealed that from January 1, 2007- December 31, 2013, OSHA investigated at least 156 fatalities. Examples of physical hazards include crushing injuries due to improper use and maintenance of automotive lifts and floor jacks, exposure to noise, tire explosions, machine guarding hazards and exposure to uncovered service pits. The types of health hazards in this industry can include exposure to carbon monoxide, paints, solvents, coatings, wheel cleaning acids, as well as other hazardous chemicals used in brake cleaners.

Since the inception of this emphasis program on April 16, 2013, the Englewood Area Office has conducted 137 inspections, 105 of which resulted in citations issued to employers. This demonstrates the existence of numerous safety and health hazards in this industry. Many of these violations are related to serious hazards with automotive lifts including lack of maintenance, lack of adequate employee training and improper operation. In addition, serious health hazards have also been observed in many of these inspections with regard to lack of hazard communication programs, exposure to wheel cleaning acids and lack of adequate respiratory protection programs.

Prior to 2013, most of OSHA's inspection activity for automotive services has been the

result of un-programmed activity initiated by complaints, referrals and accidents. By targeting inspection activity to employers in the automotive industry, OSHA hopes to reduce the injury and fatality rates of employers who are engaged in automotive services.

**VII. Inspection Scheduling and Selection of Sites:** The procedures outlined in the April 21, 2014, OSHA Memorandum: Generation and Randomization of Inspection Targeting Lists will be followed.

- A. Establishments that have received a comprehensive inspection within the previous 36 months of the creation of the current inspection cycle will be deleted from the list.
- B. The Area Office may delete an establishment if it is determined that:
  - 1. The establishment is a residence.
  - 2. The establishment is not in the scope of the LEP (e.g., the establishment is clearly conducting business other than that covered by the LEP).
  - 3. There is no evidence that the facility exists (e.g., no phone or internet listing; no registration with the Secretary of State; Google Earth or Street View shows conclusively that the business is non-existent).
- C. In the event a cycle is not completed on or before expiration of this Notice, the cycle will be extended into the new fiscal year, provided this Notice is renewed. The outstanding cycle will be completed by each Area Office before establishments are selected from the new master list. If the notice is not renewed, the outstanding cycle is effectively cancelled and the Area Office is not obligated to complete inspections on the remaining establishments within the cycle.
- D. Establishments within a cycle may be inspected in any order so that area office resources are efficiently used. Once a cycle is begun, all establishments in the cycle are to be inspected before a new cycle is started, except that carryovers will be allowed as provided for in OSHA Instruction CPL 02-00-025. If establishments are carried over into the new fiscal year, the Area Office shall ensure that each establishment remaining in the cycle meets the criteria in paragraph VII, above.

**VIII. Inspection Procedures:**

- A. Inspections will be conducted in accordance with the FOM. The inspections shall be comprehensive and address both safety and health hazards.
- B. Reports of imminent danger, fatality/catastrophe, complaints and referrals shall be scheduled as unprogrammed inspections and shall be inspected in accordance with the applicable provisions of the FOM. This does not, however, limit the Area Office's authority to conduct an inspection pursuant to this LEP. If an unprogrammed inspection is initiated at a facility that falls under the criteria of this LEP, the

inspection will be expanded to include a comprehensive inspection of the facility under this LEP, unless it has had a comprehensive inspection within the past 36 months. Non-formal complaints will be inspected pursuant to the provisions of the FOM.

- C. Companies with ten or fewer total employees will not be inspected. The most updated list will be used at the time of the opening conference to determine eligibility for inspection.
  - D. In the event a non-formal complaint is received by the Area Office involving a hazard associated with this Notice, the Area Office will refer to guidance set forth in the Field Operations Manual, Chapter 9: Complaint and Referral Process in determining whether the non-formal complaint warrants an inspection.
- IX. Outreach:** Outreach materials may be mailed directly or made available on request to employers, professional associations and local unions, at the discretion of the Area Director.
- X. Partnerships:** Partnerships may be developed with the covered employers in accordance with OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.
- XI. OSHA Information System (OIS) Coding:** The following will address only the changes or additions to OIS coding procedures for inspections conducted under this LEP:
- A. On the OIS Inspection Form, inspections which are targeted pursuant to the selection criteria in Sections VII.A.1 through 3 of this LEP shall be coded as “AUTOSERV” in the *Local Emphasis Program* block and as “Programmed Planned” in the *Initiating Type* block. Inspections under this LEP will be typically coded as “Safety” inspections in the “Inspection Category” block unless the inspection is predominately health related in nature. In this case, the inspection should be coded as “Health.”
  - B. On the OIS Inspection Form, inspections involving automotive service safety issues which are initiated as a result of a complaint, referral, or fatality/catastrophe (i.e., Section VII.A.4.) shall be coded as “AUTOSERV “ in the *Local Emphasis Program* block and as the appropriate “unprogrammed” activity in the *Initiating Type* block regardless of whether they are listed on a cycle list.
  - C. Refer to the September 14, 2006, OSHA Memorandum: Coding Instruction Update for the FY2006-FY2011 Strategic Plan, for OSHA-1 block “25f Strategic Plan” codes which may be applicable to these LEP inspections.
- XII. Program Evaluation:** No later than October 31, 2015, the Area Offices will provide an evaluation of this LEP to the Regional Office. The Regional Office will provide the National Office with one evaluation of this LEP. At a minimum, the evaluation should respond to the requirements of CPL 04-00-001, Section D, Appendix A as well as the

Directorate of Enforcement Memorandum dated October 18, 2002, for Annual Evaluations of Local Emphasis Programs (LEPs).

**DISTRIBUTION:** Directorate of Enforcement Programs  
Regional Office of the Solicitor