



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 17-04 (CPL 04-01) **EFFECTIVE DATE:** October 1, 2016

SUBJECT: Regional Emphasis Program for Grain Handling Facilities

REGIONAL IDENTIFIER: Denver Region VIII

ABSTRACT

- Purpose:** This Notice establishes a Regional Emphasis Program (REP) to identify and reduce or eliminate the workplace hazards in grain handling facilities which are causing or likely to cause serious injury or death.
- Scope:** This Notice applies to operations with potential hazards in grain handling facilities located within the jurisdiction of each Area Office in Region VIII.
- References:** OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- State Impact:** None
- Action Offices:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Offices
- Originating Office:** Denver Regional Office
- Contact:** Assistant Regional Administrator for Federal-State Operations
Cesar Chavez Memorial Building
1244 Speer Blvd, Suite 551
Denver, CO 80204
(720) 264-6566

By and Under the Authority of:

Gregory J. Baxter
Regional Administrator, VIII

Executive Summary

This Notice establishes an enforcement program to identify and reduce or eliminate the workplace incidence of hazards in grain handling facilities which are causing or likely to cause serious injury or death.

TABLE OF CONTENTS

I.	Purpose	4
II.	Scope	4
III.	References	4
IV.	Expiration Date	5
V.	Action Office.....	5
VI.	Background	5
VII.	Inspection Scheduling	5
VIII.	Inspection Procedures	6
IX.	Outreach	6
X.	Partnerships	6
XI.	OIS Coding	6
XII.	Program Evaluation	7

- I. **Purpose:** This Notice establishes a Regional Emphasis Program (REP) for the programmed inspection of grain handling facilities which are causing or likely to cause serious injury or death.
- II. **Scope:** This Notice applies to grain handling facilities located within the jurisdiction of each Area Office in Region VIII in NAICS codes 311211, Flour and other Grain Mill products; 311212, Rice Milling; 311119, Prepared Feeds and Feed Ingredients for Animals and Fowls; 493130, Farm Product Warehousing and Storage; and 424510, Grain and Field Beans.
- III. **References:**
 - A. OSHA Instruction CPL 02-00-159, Field Operations Manual (FOM), October 1, 2015, or the most recent version at the time of the inspection opening conference.
 - B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Program (LEPs), November 10, 1999.
 - C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
 - D. OSHA Instruction CSP 03-02-003, OSHA Strategic Partnership Program for Worker Safety and Health, November 6, 2013.
 - E. October 18, 2002, OSHA Memorandum: Annual Evaluation of Local Emphasis Programs.
 - F. November 12, 2014, OSHA Memorandum: Establishments – Targeting Lists for Emphasis Programs.
 - G. Title 29 Code of Federal Regulations, Part 1910.
 - H. December 3, 2014, OSHA Memorandum: Procedures for Local and Regional Emphasis Programs.
 - I. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998; Appendix A, January 29, 2016, or the most recent version at date of inspection opening conference.
 - J. OSHA Instruction CPL 02-01-004, Inspection of Grain Handling Facilities, November 8, 1996.
 - K. OSHA Instruction CPL 03-00-008, Combustible Dust National Emphasis Program, March 11, 2008.

- IV. **Expiration:** This REP expires on September 30, 2017.
- V. **Action Office:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Offices
- VI. **Background:** Grain handling facilities, as defined by the OSHA Grain Handling Standard, include: grain elevators, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, soybean flaking operations, and the dry grinding operations of soybean. There are numerous safety and health hazards associated with grain handling operations. Suffocation and falls are the two leading causes of deaths at grain handling facilities. Other hazards include fires and explosions from combustible dust, electrocutions, and injuries from improperly guarded machinery.

Serious accidents continue to occur in these industries. A search of the OSHA OIS database from September 9, 2011 to September 9, 2016 shows that 26 fatalities occurred nationwide in grain handling establishments with NAICS codes of 311211, Flour and other Grain Mill products; 311212, Rice Milling; 311119, Prepared Feeds and Feed Ingredients for Animals and Fowls; 493130, Farm Product Warehousing and Storage, and 424510, Grain and Field Beans.

From October 1, 2013 through August 8, 2014, Federal OSHA conducted 102 inspections at facilities governed by the NAICS codes, above, and issued several hundred citations as a result of those inspections. The majority of the hazards identified fell within 1910.272 (bin entry, housekeeping for dust control, non-approved electrical in bucket elevators, emergency action plans and training). Violations for falls, machine guarding, and lockout hazards were also identified.

The Agency previously had a National Emphasis Program for these industries in the late 1970's and early 1980's. These programs have since been cancelled. This regional emphasis program will provide the opportunity to conduct inspections where serious injuries and fatalities are still occurring.

- VII. **Inspection Scheduling and Selection of Sites:** The procedures outlined in the November 12, 2014, OSHA Memorandum: Establishments-Targeting Lists for Emphasis Programs 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 NEP (e.g., the establishment is clearly conducting business other than that covered by the EP).
 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).

The criteria used to delete any establishment must be fully documented by the Area Office.

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.

VIII. Inspection Procedures:

A. Inspections will be conducted in accordance with the FOM. Comprehensive safety inspections shall be conducted. If any health hazards are observed during the course of the inspection, the CSHO will address them or make a health referral as appropriate.

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, OSHA Instruction CPL 02-00-159. This does not, however, limit the Area Office's authority to conduct an inspection pursuant to this REP. If an unprogrammed inspection is to be conducted at a facility that is also included in the current inspection cycle under this REP, the Area Office may conduct the inspections concurrently. If an unprogrammed inspection is initiated at a facility that falls under the criteria of this REP, the inspection will be expanded to include a comprehensive inspection of the facility under this REP, unless it has had a comprehensive inspection within the past 36 months.

C. 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: Each Area Office has conducted and continues to provide outreach on amputation, combustible dust and engulfment hazards associated with the grain handling industry. Outreach has been in the form of speeches, training seminars, newsletters to groups identified by the Compliance Assistance Specialist (CAS) and CSHOs.

X. Partnerships: Partnerships may be developed with the covered employers in accordance with OSHA Instruction CSP 03-02-003, OSHA Strategic Partnerships for Worker Safety and Health.

XI. OIS Coding: Inspections conducted under this REP will be identified in the OSHA Integrated Information System (OIS) as follows:

- A. The OIS Inspection Form for any programmed inspection scheduled under the procedures in this REP shall be marked “Programmed Planned” in the *Initiating Type* block. In the *Local Emphasis Program* block select the code “GRAIN”.
- B. The OIS Inspection Form for any unprogrammed inspection scheduled under the provisions of the FOM for relating to complaints, referrals requiring inspection, imminent danger and fatality/catastrophe investigations will be coded as normally required under the FOM. In addition, the designation "GRAIN" will be recorded in the *Local Emphasis Program* block.
- C. Inspections initiated by a targeted list will be coded as “Programmed.” Inspections initiated by compliance officers regarding fall hazards will be coded as “Programmed”. Inspections initiated as a result of accidents, fatalities, catastrophes, complaints, or referrals will be coded as “Unprogrammed.” In all cases, the appropriate Strategic Plan Activity code will be selected in the *Strategic Plan Activity* box and the code “GRAIN” will be entered.

XII. Program Evaluation:

No later than October 31, 2017, the Area Offices will provide an evaluation of this REP to the Regional Office. The Regional Office will provide the National Office with one evaluation of this REP. At a minimum, the evaluation should respond to the requirements of CPL 04-00-001, Section D, Appendix A as well as Directorate of Enforcement Programs memorandum dated October 18, 2002 for Annual Evaluations of Local Emphasis Programs (LEPs).

DISTRIBUTION: Directorate of Enforcement Programs
Regional Office of the Solicitor