



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 13-35 (CPL 04)	EFFECTIVE DATE: December 4, 2013
SUBJECT: Local Emphasis Program for Lead	
REGIONAL IDENTIFIER: Region 10	

ABSTRACT

- Purpose:** This Notice transmits the policies and procedures to be followed when conducting local emphasis program inspections to reduce occupational exposures to lead.
- Scope:** This Notice applies to all inspections in all industries where there is potential employee exposure to lead.
- References:**
- OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
 - OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, May 28, 1998.
 - OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
 - OSHA Instruction CPL 02-00-141, Inspection Scheduling for Construction, July 14, 2006.
 - OSHA Instruction, CPL 03-00-009, National Emphasis Program – Lead, August 14, 2008.
 - OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.

OSHA Instruction TED 01-00-015, OSHA Technical Manual,
January 20, 1999.

OSHA Notice 13-01 (CPL02) Site-Specific Targeting 2012 (SST-12),
January 4, 2013.

Cancellations: OSHA Regional Notice 13-35 (CPL 04), November 26, 2013.

Expiration Date: This Notice will expire December 31, 2014, but may be renewed.

State Plan Impact: None.

Significant Changes: None.

Action Offices: Anchorage, Bellevue, Boise, and Portland Area Offices and the Office of
Federal and State Operations.

Originating Office: Office of Federal and State Operations

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Assistant Regional Administrator
Office of Federal and State Operations

By and Under the Authority of:

David L. Mahlum
Acting Regional Administrator

EXECUTIVE SUMMARY

This Notice establishes a Local Emphasis Program (LEP) to address lead exposures in the workplace, including General Industry (1910), Construction (1926), Shipyards (1915), Longshoring (1918), and Marine Terminals (1917). This LEP will address a goal in the DOL’s Strategic Plan to reduce occupational illnesses and employee exposures to lead and is required by OSHA Instruction CPL 03-00-009, National Emphasis Program – Lead, August 14, 2008.

The toxic effects of occupational exposure to lead are well established. Lead is a systemic poison that serves no useful function once absorbed by the body. It adversely affects body systems and organs, and causes health impairment arising from acute or chronic exposure, including damage to blood-forming organs, and nervous, urinary, and reproductive systems. In 1990, the National Institute for Occupational Safety and Health (NIOSH) set a national goal to eliminate lead exposures that result in workers having blood lead concentrations greater than 25 ug/dl of whole blood.

This LEP will use compliance assistance and enforcement to more effectively focus on industry specific health hazards. It provides an objective inspection scheduling system to target selected industries in accordance with current law and OSHA policy.

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- I. Purpose.** This Notice establishes a program aimed at reducing workplace exposures to lead. Lead has been identified as a targeted hazard in DOL’s Strategic Plan for 2006-2011, and is the subject of a National Emphasis Program established in August 2008.
- II. Scope.** This Notice applies to all area offices in Region 10: Anchorage, Bellevue, Boise and Portland. The LEP also applies to all industries and operations covered by the following OSHA standards: General Industry (1910), Construction (1926), Shipyards (1915), Longshoring (1918), and Marine Terminals (1917).
- III. Action Offices.** All Region X Area Offices and the Office of Federal and State Operations.
- IV. State Plan Impact.** None.
- V. References.**
- A. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
 - B. OSHA Instruction CLP 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, May 28, 1998.
 - C. OSHA Instruction CPL 02-00-150, Field Operations Manual (FOM), April 22, 2011.
 - D. OSHA Instruction CPL 02-00-141, Inspection Scheduling for Construction, July 14, 2006.
 - E. OSHA Instruction CPL 03-00-009, National Emphasis Program – Lead, August 14, 2008.
 - F. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 10, 1999.
 - G. OSHA Instruction TED 01-00-015, OSHA Technical Manual, January 20, 1999.
 - H. OSHA Notice 13-01 (CPL02) Site-Specific Targeting 2012 (SST-12), January 4, 2013.

VI. Cancellations. OSHA Regional Notice 13-35 (CPL 04), November 26, 2013.

VII. Background.

The toxic effects of occupational exposure to lead are well established. Lead is a potent, systemic poison that serves no known useful function once absorbed by the body. Lead adversely affects numerous body systems and causes forms of health impairment and disease which can arise from acute or chronic exposure, including damage to blood-forming, nervous, urinary, and reproductive systems. In 1990, the National Institute for Occupational Safety and Health (NIOSH) set as a national goal to eliminate lead exposures that result in workers having blood lead concentrations greater than 25 ug/dl of whole blood.

This LEP directs OSHA's field inspections at lead exposures in the workplace, including General Industry (1910), Construction (1926), Shipyard (1915), Longshoring (1918) and Marine Terminals (1917). DOL's Strategic Plan goals include effecting reductions in occupational fatalities, injuries, and illnesses. The Agency continues to be committed to reducing the most prevalent types of workplace injuries and illnesses. To achieve these goals, the Agency focuses inspection resources on serious workplace hazards including amputations, and the occurrences of silica and lead exposures. The purpose of this LEP is to outline an effective strategy for decreasing occupational lead exposures as required by OSHA Instruction CPL 03-00-009, National Emphasis Program – Lead, August 14, 2008.

NIOSH provided the 2002 Adult Blood Lead Epidemiological Survey (ABLES) data to OSHA for use in developing a diverse list of industries to be selected by the regional and/or area offices when implementing targeting strategies under the NEP. During the NEP revision period, the 2004 ABLES data were reviewed by OSHA and found to be less inclusive of specific industry identifiers than the 2002 data. OSHA determined that providing a list of industries selected from the 2002 data, as opposed to the 2004 data, would afford a more representative and comprehensive selection of industries to be used by its field offices in implementing the NEP.

VIII. Program Procedures.

A. Programmed Lead LEP Inspections.

1. Industry Selection. Inspections conducted under this LEP will focus on industries where employees are potentially exposed to levels of lead in excess of the permissible exposure limit (PEL). The NEP provided a list of industries and their SICs where employees exhibit high blood lead levels. This list is by no means comprehensive, but is intended as a resource.

Each area office has identified one or more of the industry sectors where they will focus their inspection efforts.

- a. Boise Area Office will focus on SIC 2821 (Plastic Materials, Synthetic Resins, and Nonvulcanizable Elastomers) to include NAICS Codes 325211 (Plastics Material and Resin Manufacturing) and 325991 (Custom Compounding of Purchased Resins).
- b. Bellevue Area Office will focus on SIC 7532 (NAICS Code 811121), Automotive Repair & Painting and SIC 7539 (NAICS Code 811118), Automotive Repair Shop NEC. Their inspection efforts will take place on military bases within their jurisdiction.
- c. Portland Area Office will focus on SIC 3731 (NAICS Code 336611), Ship Building and Repair. Although this industry is not included in Appendix A of the NEP (CPL 03-00-009), it is an industry where lead exposures are present due to mechanically removing lead-containing paint. The NEP allows an area director to select an industry that is not included in Appendix A of the NEP based on local knowledge.
- d. Anchorage Area Office will also focus on SIC 3731 (NAICS Code 336611), Ship Building and Repair.

2. Site Selection.

- a. Master List Generation. Each area office, using all available information, will prepare a master list of establishments within the designated industries. These lists shall be prepared using either the procedures set forth in CPL 02-00-025, *Scheduling Systems for Programmed Inspections* or CPL 04-00-001, *Inspection Scheduling for Construction*.

Establishments with fewer than ten (10) employees shall also be included in this LEP, in accordance with CPL 02-00-051, *Exemptions and Limitations Under the Current Appropriations Act*.

- b. Deletions. The area office may delete from their list any facility/site that meets the applicable deletion criteria listed in CPL 02-00-025. The area offices may also delete any establishment that has had an inspection where exposures to lead have been evaluated within the current year or previous three (3) fiscal years where: no serious violations were cited related to lead, a subsequent inspection documented employer efforts to abate all serious hazards, or no cases of increased blood lead levels were identified. In the event an establishment meeting these criteria is not deleted, the decision shall be documented and the reasons for including it shall be stated.

- c. Cycle Generation. A random number table will be applied to create the first inspection cycle of five or more establishments. Subsequent cycles will be created in the same way until the expiration of the LEP or until all establishments on the list have been assigned to a cycle. Whenever an area office becomes aware of a previously unknown establishment in one of the identified SICs, that establishment shall be added to the master list for inclusion in the next inspection cycle.
 3. Site-Specific Targeting: Targeted establishments which also appear on the most current SST list will undergo a DART/DAFWII evaluation. The evaluation of the establishment's DART and DAFWII rates shall be made in accordance with the current OSHA directive related to Site-Specific Targeting inspections. The SST directive usually selects for inspection all workplaces with a DART rate or a DAFWII case rate at or above selected criteria for the Primary List. If the evaluation shows that the site has DART/DAFWII rates below the SST cut points, the inspection will be conducted focused on only the hazards related to lead; otherwise the lead inspection should be done concurrently with the SST plan. If this is not possible, the SST plan inspections have priority and are to be conducted prior to NEP/LEP inspections.
- C. Complaints and Referrals. Every complaint or referral for any operation where there exists the potential for lead exposure must be handled as follows:
 1. Based upon the information provided, all potential lead work sites/establishments brought to the attention of the area office must be handled in accordance with the procedures outlined in the FOM. The area director may initiate a referral or complaint inspection based on the information provided.
 2. Referrals received from state agencies alleging elevated employee blood lead levels (defined as blood lead levels at or above 25 ug/dl) will be inspected. At the discretion of the area director, work sites may be inspected even if the employee's blood lead level is below 25 ug/dl when the area office is aware of unusual circumstances which would warrant an inspection. Such unusual circumstances may include pregnancy or possible poisoning of family members.
 3. If during the course of any construction inspection a safety CSHO encounters a site where lead exposures exist, appropriate health referrals will be made.
 4. Whenever a CSHO observes or receives information of work operations where the potential for exposure to lead exists, the CSHO must follow the procedures below. The procedures apply whether or not a violation is observed, and also apply when information is received through phone calls

alleging a hazard, referrals (including media or other agency referrals), reports from other staff, from the general public, etc.

- a. Document the status and condition of the work operation as far as they are known, noting any serious hazard(s). Documentation must be maintained by the area office in case of denial of entry.
- b. Note the location of the work site and the name and address of the employer(s) performing the operation.
- c. Provide the assistant area director or area director with the information. Based upon the information provided, all potential lead work sites may be handled in accordance with existing agency procedures for referrals and for employee complaints.

IX. Inspection Procedures.

- A. Programmed inspections initiated under this LEP shall be conducted in accordance with the FOM.
- B. All inspections under this LEP must address all aspects of any potential lead work or exposure and include a review of all related written documentation (i.e., recordkeeping, monitoring, compliance program including engineering and administrative controls, medical surveillance, respirator fit testing and procedures, PPE, hygiene and housekeeping programs, hazard communication, and training materials).
- C. OSHA Instruction CPL 02-00-051(Change effective 2-22-13) states that employers with ten or fewer employees and with lost workday case rates below the national private sector rate are exempt from programmed safety inspections. Employers in the following NAICS codes with ten or fewer workers presently fall into the group of such exempt employers:

811121: Automotive Body, Paint, and Interior Repair and Maintenance.

OSHA offices are allowed to take any action authorized by the Act with respect to health hazards. Health inspections are to be scheduled, observed health hazards cited, and penalties assessed for all classifications of violations in accordance with current procedures. Apparent safety violations noted during health inspections of establishments exempt from programmed safety inspections shall not be cited or referred for later inspection unless the safety hazard constitutes an imminent danger condition.

- D. CSHOs will conduct personal air monitoring and collect wipe samples to assess surface contamination, as appropriate, to document exposures for all inspections under this LEP. Monitoring may not be necessary if at the time of the inspection

the employer provides reliable and recent data showing employees' exposures are below the action level and the conditions in the workplace are the same as when the employer completed sampling. Additionally, if during a follow-up inspection, the employer's sampling data show that engineering controls have reduced the employee exposures to below the action level and the data are reliable, air sampling may not be necessary. If the employer's monitoring data are utilized, this decision must be included in the case file and copies of the data must also be included in the file.

- E. In certain circumstances, the area director may use the employer's monitoring data in issuing proposed citations for employee overexposures to lead. However, these data may only be used where personal air sampling conducted by the CSHO is not possible and the employer's data meet the requirements of 29 CFR 1910.1025(d) or 29 CFR 1926.62(d). Adequate documentation regarding the area director's decision to issue citations based on the employer's sampling data must be included in the case file.
- F. The area office will request expedited sample analyses from the SLCTC for air monitoring samples collected during construction inspections.
- G. Where resources permit, joint safety and health inspections should be conducted.
- H. The CSHO may expand the scope of the inspection beyond the areas related to occupational exposures to lead if other hazards or violative conditions are observed and/or are brought to their attention.

X. Personal Protective Equipment (PPE).

CSHOs are required to wear appropriate PPE including, but not limited to, gloves, protective clothing and respirators, as appropriate. Respiratory protection must be worn until it is determined that the establishment has instituted adequate engineering and/or administrative controls. Air-purifying respirators equipped with P-100 filters will be worn. Chemical-resistant (i.e., nitrile) gloves, coveralls, shoe coverings and eye protection are also required. Area directors shall ensure that CSHOs know how to properly handle contaminated clothing and PPE. Coveralls and other contaminated clothing should be laundered commercially rather than at home. Respirator face pieces should be cleaned according to manufacturer's instructions. Footwear should be decontaminated using a High Efficiency Particulate Air (HEPA) vacuum or other suitable means. Contaminated clothing should be removed before entering a vehicle.

XI. Follow-up Inspections.

- A. Follow-up inspections will be conducted in all establishments where exposures were measured at or above the PEL for lead and in all establishments where exposures were measured above the action level where the employer has failed to take appropriate action. The follow-up inspection will be conducted as promptly as

possible, as resources permit, but within 30 days whenever possible after the final abatement date for the cited violations. The follow-up inspection will take priority over all programmed inspections and unprogrammed inspections where only other-than-serious hazards are anticipated. During the follow-up inspection, the CSHO shall verify the employer's abatement documentation/verification by carefully evaluating any and all air monitoring results, implemented engineering controls, personal protective equipment requirements, respiratory protection requirements, housekeeping and employee information and training.

- B. Personal air sampling will be conducted by OSHA staff in all situations unless the job task or job site is no longer active. Use of employer-generated monitoring data is not permitted for the purpose of abatement verification under this LEP unless an exception applies (see Section VII.E.).

XII. Program Evaluation.

- A. This LEP will be evaluated in accordance with the guidelines in Appendix A of CPL 04-00-001, Procedures for Approval of Local Emphasis Programs and Experimental Programs.
- B. The Area Director will be asked to provide input concerning special problems that may have surfaced during the year; recommendations to improve the LEP; and recommendations to renew or not renew the LEP.
- C. The Office of Federal and State Operations (FSO) shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review by November 15 of each year. On the approval of the Regional Administrator, the evaluation report will be submitted to the Directorate of Enforcement Programs no later than November 30.

XIII. OIS Coding.

Inspections, unprogrammed activities and compliance assistance activities conducted under this program, both programmed and unprogrammed, shall be coded on the appropriate form with the LEP and NEP designation LEAD. Strategic Plan Activities will also be coded as LEAD.