



OSHA Regional Instruction

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 19-09 (CPL 04) | **EFFECTIVE DATE:** December 31, 2018

SUBJECT: Local Emphasis Program for Casinos and/or Casino Hotels at Native American Reservations or American Trust Lands

REGIONAL IDENTIFIER: Region 10

ABSTRACT

- Purpose:** This Instruction renews the policies and procedures to follow when conducting programmed inspections on Native American reservations or American trust lands that have casinos and/or casino hotels.
- Scope:** This Instruction applies to all inspections of casinos and/or casino hotels on Native American reservations or American trust lands in Oregon and Washington.
- References:**
- OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.
 - OSHA Instruction CPL 02-00-160, Field Operations Manual, dated August 2, 2016.
 - OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs," dated November 12, 2014.
 - OSHA Memorandum for Regional Administrators, Subject: "Procedures for Local and Regional Emphasis Programs," dated December 3, 2014.
- Cancellations:** OSHA Regional Notice 17-09 (CPL 04), dated December 31, 2017
- Expiration Date:** This Instruction will expire December 31, 2021, but may be renewed.
- State Plan Impact:** None.

Significant Changes: None.

Action Offices: Portland and Washington Area Offices and the Office of Enforcement Programs.

Originating Office: Office of Enforcement Programs

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By and Under the Authority of:

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Acting Regional Administrator

EXECUTIVE SUMMARY

The purpose and intent of this Instruction is to provide an inspection scheduling system to cover high-hazard activities within the context of current law and OSHA policy. Safety and health programmed inspections of casinos and casino hotels on Native American reservations and trust lands are to be scheduled using this Instruction in Oregon and Washington.

TABLE OF CONTENTS

I. PURPOSE	ERROR! BOOKMARK NOT DEFINED.
II. SCOPE	ERROR! BOOKMARK NOT DEFINED.
III. ACTION OFFICES	ERROR! BOOKMARK NOT DEFINED.
IV. REFERENCES	4
V. CANCELLATION.....	4
VI. EXPIRATION.....	4
VII. DEFINITIONS.....	4
VIII. BACKGROUND	4
IX. POLICY	5
X. PROGRAM PROCEDURES.....	5
XI. PROGRAM EVALUATION.....	6
XII. OIS CODING.....	7
APPENDIX A – PORTLAND AREA OFFICE – CASINO INSPECTION AND LOCATION LIST	
APPENDIX B – WASHINGTON AREA OFFICE – CASINO INSPECTION AND LOCATION LIST	

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- I. Purpose.** This Instruction renews a Local Emphasis Program (LEP) for inspections of Native American reservations and trust lands that have casinos and/or casino hotels in Oregon and Washington.
- II. Scope.** This Instruction applies to the Portland and Washington Area Offices.

III. Action Offices.

- A. Responsible Office. Office of Enforcement Programs
- B. Action Office. Portland and Washington Area Offices.

IV. References:

OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, dated November 13, 2018.

OSHA Instruction CPL 02-00-160, Field Operations Manual, dated August 2, 2016.

OSHA Memorandum for Regional Administrators, Subject: “Establishment-Targeting Lists for Emphasis Programs,” dated November 12, 2014.

OSHA Memorandum for Regional Administrators, Subject: “Procedures for Local and Regional Emphasis Programs,” dated December 3, 2014.

V. **Cancellation.** OSHA Regional Notice 17-09 (CPL 04), dated December 31, 2017

VI. **Expiration.** This Instruction will expire December 31, 2021, but may be renewed.

VII. Definitions.

Casinos and/or Casino Hotels – For purposes of this LEP, casinos and casino hotels are employers engaged in operating gambling facilities that offer table wagering games along with other gambling, such as slot machines and sport betting. These establishments often provide hotel accommodations, food and beverage services, golfing and other recreational activities.

VIII. Background.

This LEP supports the DOL 2018-2022 Strategic Plan, Strategic Objective 2.1, to secure safe and health workplaces, particularly in high-risk industries. Washington and Oregon states report incidence rates for the “Accommodation” industry (NAICS code 721). These work sites include relatively hazardous activities such as sheet metal shops, carpenter shops, vehicle maintenance shops, electrical shops, water treatment plants, power generation plants, landscaping operations, and housekeeping. There are also health hazards related to musculoskeletal injuries and bloodborne pathogen exposures. Most of these activities involve exposures to hazards that are among OSHA’s strategic emphasis areas, such as amputations, electrical, powered industrial trucks, and noise. The following table compares the incident rates to the Federal rates for the Accommodation industry.

Washington and Oregon states report incidence rates for the “Accommodation” industry (NAICS code 721). The following table compares the incident rates to the Federal rates for the Accommodation industry.

Year	OR TRC	OR DART	WA TRC	WA DART	FED TRC	FED DART
2017	4.2	2.6	1.4	0.8	4.3	2.4
2016	5.6	3.1	5.7	2.5	2.1	2.3
2015	3.9	2.2	4.7	2.2	4.9	2.8

The 2016 injury rates in the accommodation industry in both Washington and Oregon were above the Federal injury rates for the industry. In 2017, Washington reported lower TRC and DART rates than the Federal injury rates for the industry. The Federal TRC rate for all private industries in 2017 was 2.8 and the DART rate was 1.5.

IX. Policy.

It is OSHA policy that programmed inspections be conducted primarily in high-hazard sectors of employment. For purposes of scheduling programmed inspections, casinos and casino hotels in Oregon and Washington are considered a high-hazard industry.

X. Program Procedures.

The following procedures shall be followed when scheduling and inspecting work sites under this program.

A. Outreach Program – This LEP has been in place for several years and outreach is a continual effort through programs such as meetings with local industry and tribal organizations. The Area Offices will continue to provide updated information to employers on topics such as the OSHA standards that apply to hotel and casino operations, how to implement a safety and health program, and details about the LEP.

B. Establishment List. The casino inspection program implemented by the Portland and Washington Area Offices will focus on casinos or casino hotels shall be limited to the following NAICS codes:

1. NAICS – 713210 – Casinos.
2. NAICS – 72112 – Casino Hotels.

Each area office has developed a list of establishments of casinos and casino hotels, based on information sources such as prior inspection history, business directories, industry advertisements and local knowledge. These lists are included as Appendices A and B.

C. Site Selection. Inspection sites will be randomly selected from the compiled establishment list, using a random number table and the procedure described in OSHA Memorandum for Regional Administrators, Subject: "Establishment-Targeting Lists for Emphasis Programs," dated November 12, 2014. This process uses administratively neutral criteria to identify and select establishments for programmed inspections. Within a cycle, establishments may be scheduled and inspected in any order that makes efficient use of available resources. Sites that have scheduled or are in the process of a consultation or compliance assistance visit will not be scheduled for inspection until the consultation or compliance assistance process is complete. Exceptions to this deferral must be approved by the Area Director.

D. Inspection Procedures.

1. Programmed inspections initiated under this LEP shall be conducted in accordance with the FOM.
2. Each employer on the targeted list shall be scheduled for a programmed inspection during the cycle except where the Area Office documents that:
 - a. A substantially complete inspection of the employer has been conducted within the previous 12 months.
 - b. The employer has been approved for exemption from inspection through participation in the Voluntary Protection Program.
 - c. In Washington State only, the CSHO shall ascertain whether the casino and/or casino hotel is a tribally-operated establishment. Non-tribal operated or non-tribal member operated casinos and/or casino hotels on reservations or on trust lands are subject to state jurisdiction.
3. Casino and casino hotel operations at each targeted site may be inspected no more than once during the inspection cycle, except for unprogrammed activity such as complaints, accidents, follow-ups, or if the employer has operations in more than one location on the target list.

XI. Program Evaluation.

- A. 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.
- B. The Office of Enforcement Programs shall review the input and prepare an evaluation to be submitted to the Regional Administrator for review at the midpoint, and at the completion of the program.

XII. OIS Coding.

Inspections, unprogrammed activities and compliance assistance activities conducted of employers under this program, both programmed and unprogrammed, shall be coded on the appropriate form with the LEP designation CASINO. Inspections conducted under this program shall be coded as “Programmed Planned” with the LEP designation “CASINO.” Unprogrammed inspections (i.e. Complaints, Referrals from Outside OSHA, Fatalities/Catastrophes, Employer reported hospitalization or amputation) shall be classified as “Unprogrammed” and coded under this local emphasis program designation of “CASINO”.

Appendix A

Portland Area Office – Casino Inspection and Location List

1. Seven Feathers Hotel and Casino Resort – Canyonville
2. Wildhorse Resort and Casino – Pendleton
3. Chinook Winds Casino Resort – Lincoln City
4. Kah-Nee-Ta High Desert Resort and Casino – Kah-Nee-Ta
5. The Mill Casino Hotel – North Bend
6. Spirit Mountain Casino – Grand Ronde
7. Kla-Mo-Ya Casino – Chiloquin
8. Old Camp Casino – Burns
9. Three Rivers Casino – Florence

Appendix B

Washington Area Office – Casino Inspection and Location List

1. Yakama Nation Legends Casino- Toppenish
2. Lucky Eagle Casino-Rochester
3. Mill Bay Casino- Manson
4. 7 Cedars Casino- Sequim
5. Northern Quest Casino- Airway Heights
6. Silver Reef Casino- Ferndale
7. Muckleshoot Casino- Auburn
8. Red Wind Casino- Olympia
9. The Point Casino- Kingston
10. Emerald Queen Hotel and Casino- Fife
11. Emerald Queen Casino- Tacoma
12. Shoalwater Bay Casino- Tokeland
13. Chewelah Casino- Chewelah
14. Little Creek Casino Resort- Shelton
15. Angel of the Winds Casino- Arlington
16. Suquamish Clearwater Casino-Suquamish
17. Tulalip Resort Casino- Tulalip
18. Quil Ceda Creek Casino- Tulalip
19. Skagit Valley Casino- Bow
20. Quinault Beach Resort and Casino- Ocean Shores
21. Swinomish Casino and Lodge (name change from Northern Lights Casino)- Anacortes
22. Snoqualmie Casino- Snoqualmie
23. Ilani Casino Resort- Ridgefield
24. Spokane Tribe Casino- Airway Heights
25. 12 Tribes Resort Casino- Omak