



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 2019-05

EFFECTIVE DATE: 10/1/2018

SUBJECT: Regional Emphasis Program – Warehousing and Refuse Handlers and Haulers

REGIONAL IDENTIFIER: Region 2

ABSTRACT

Purpose: This regional instruction continues to implement a Regional Emphasis Program for programmed safety inspections of Warehousing, Storage and Distribution industries, and Waste Management, Recycling Operations and Refuse Haulers (NAICSs, 312111, 312112, 424410, 424420, 424420, 424430, 424450, 424460, 424470, 424480, 424490, 424520, 424590, 424810, 424820, 425110, 425120, 444220, 445110, 445210, 445220, 445230, 445292, 445299, 445310, 445310, 453910, 454390, 493110, 493120, 493130, 493190, 531130, 562111, 562112, 562119, 562211, 562212, 562213, 562219 and 562920).

References: CPL 02-00-160, Field Operations Manual (FOM), 8/2/2016; CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), 11/13/2018; CPL 02-00-025, Scheduling System for Programmed Inspections, 01/04/1995; CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, 5/28/1998.

Cancellations: This instruction cancels Regional Emphasis Program – Warehousing and Refuse Handlers and Haulers, 2018 – 05 (CPL 2).

Expiration: This instruction expires September 30, 2023.

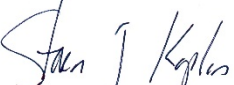
State Impact: None

Action Offices: All Region II Area Offices

Originating Office: Office of Regional Administrator

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201 Varick Street, Rm 670, New York, NY 10014

By and Under the Authority of


For Robert D. Kulick

Regional Administrator

- I. Purpose. This regional instruction continues to implement a Regional Emphasis Program (REP) for programmed safety inspections of Refuse Handlers and Haulers (NAICSs codes: 562111, 562112, 562119, 562211, 562212, 562213, 562219 and 562920) and Warehousing, Storage, and Wholesale Distribution Industries (NAICS codes: 312111, 312112, 493130, 493120, 493110, 531130, 493190, 424410, 425110, 425120, 445110, 424420, 454390, 424430, 445299, 424420, 445210, 424450, 445292, 424460, 445220, 424470, 424480, 445230, 424490, 453910, 424520, 424590, 444220, 424810, 445310 and 424820) with 11 or more employees in accordance with the Field Operations Manual (FOM) and CPL 04-00-001. These work sites may not be included in the present national targeting system. Additionally, this REP provides for simultaneous outreach efforts for these NAICS codes, concurrent with the initiation of enforcement activities.
- II. Scope. This instruction applies to all Region II Area Offices.
- III. Expiration. This instruction expires on September 30, 2023.
EXCEPTION: Any inspection begun prior to September 30, 2023 may continue until its conclusion.
- IV. Background. Employees in the above-subject industries are exposed to many serious safety hazards, including being struck-by, caught-in, caught-between, and falling-off, various heavy equipment, process equipment, motor vehicles, powered industrial trucks, and refuse handling equipment and conveyors.

In addition to the permanent employees found at the establishments, recent inspection reports and activity has identified the use of temporary workers in many of the above listed industries. Temporary workers are more vulnerable to workplace safety and health hazards as they are often not given adequate safety and health training, equipment, and explanation of their job tasks and duties.

Refuse Handlers and Haulers and Recycling: (NAICS Codes 562111,562112, 562119, 562211, 562212, 562213, 562219 and 562920) Data indicates that workers continue to die in incidents related to refuse collection activities, waste hauling, waste transfer operations and refuse handling, and recycling operations. The number of annual fatalities has remained fairly constant over the years, indicating the need for continuing emphasis on this hazard. Bureau of Labor Statistics reported that in 2017 there was a final report of 63 fatalities in waste management and remediation services. In 2017, there were total recordable cases of 4.2 per 100 full time workers, higher than the 2.8 per 100 workers reported for all private sector industries.

Warehousing,Storage and Distribution: This REP also targets for inspection establishments in the warehousing, storage, and wholesale distribution industries (NAICS codes: 312111, 312112, 493130, 493120, 493110, 531130, 493190, 424410, 425110, 425120, 445110, 424420, 454390, 424430, 445299, 424420, 445210, 424450, 445292, 424460, 445220, 311612, 424470, 424480, 445230, 424490, 453910, 424520,

424590, 444220, 424810, 445310 and 424820) There is a need for increased enforcement activity in this industry as indicated by the fact that of targeted industry sites within the Region, a significant number are warehouses, and employees in these workplaces who perform these warehousing operations are potentially exposed to the hazard of being struck-by material handling equipment such as powered industrial trucks and order picking equipment, and being struck-by, caught-in, crushed by motor vehicles, and/or motor vehicle related operations. . Bureau of Labor Statistics reported that in 2017 for Warehousing and Storage, NAICS code 493, there was a final report of 22 fatalities. For 2017, there were 5.1 total recordable cases per 100 full time workers, higher than the 2.8 per 100 workers reported for all private sector industries.

Since virtually all employers in the above-subject industries are known to use and operate motor vehicles, heavy equipment, powered industrial trucks and other power mechanized material handling and equipment, in their goods transfer operations; inspections conducted under this REP are expected to help control all above-mentioned hazards associated with such use. The ultimate aim of this REP is to reduce the number of occupational injuries and fatalities which result.

This emphasis program supports the DOL objective to secure safe and healthful working conditions for America's workers by implementing the OSHA Strategic Plan objective to target the most hazardous worksites for inspection by making efforts to prioritize its limited resources for inspections, compliance assistance and outreach efforts on specific industries that routinely experience injury, illness, or fatalities above the national average.

V. Action. The Area Director shall ensure that the procedure outlined in this instruction is followed during the effective period of this instruction. This instruction is not intended to conflict with inspection priorities as established in the Field Operations Manual or other appropriate directives. When an inspection is not conducted because the employer has refused entry, a warrant shall be sought in accordance with the current procedures for handling such refusals.

VI. Procedures.

A. The Area Director shall be responsible for developing the final list of inspection sites for this initiative. First, a list shall be obtained from our National Office of Statistics which includes all refuse handlers and haulers, transfer stations, and adjacent warehousing operations plus other warehousing, storage and wholesale distribution locations in the respective Area Office jurisdiction. The Area Director then has the ability to add or delete other sites for inspection based on local knowledge and/or gathered from available sources, i.e.: OIS Data, telephone books, sightings, and other relevant literature.

B. When performing programmed inspections under this REP, each Area Office shall develop an inspection master list of establishments. The National Office policy on List Generation and Randomization shall be followed in accordance with the National

Office memorandum to Regional Administrators dated November 12, 2014, *Establishment-Targeting Lists for Emphasis Programs*. Inspection scheduling and deletions shall be done in accordance with CPL02-00-025, *Scheduling System for Programmed Inspections*.

- C. Any inspection sites which have had a previous comprehensive safety and health inspection within the past three years will then be deleted prior to finalizing the inspection list. After deleting establishments inspected (comprehensive) within the last three (3) years, all remaining establishments shall be randomly selected for inspection using a random numbers table applied to the final list. This selection process sets forth administratively neutral criteria to identify establishments for inspection.
- D. All inspections conducted under this REP will be comprehensive. (Please see comprehensive in scope as defined in the Field Operations Manual (FOM) in Chapter 3. III. A. : “Comprehensive - A substantially complete inspection of the potentially high hazard areas of the establishment. An inspection may be deemed comprehensive even though, as a result of the exercise of professional judgment, not all potentially hazardous conditions, operations and practices within those areas are inspected.”
- E. Any refuse handler and hauler observed not adhering to safety rules will be inspected in accordance with the Imminent Danger and referral procedures.
- F. If the establishments identified by this REP are inspected before they have been reached on the SST list the inspection will be coded as an SST and an REP case.
- G. Establishments for inspection may fall within the scope of the current Appropriations Act. If so, inspection activities must be done and completed in accordance with the directive, CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*.
- H. At the opening conference compliance officers shall obtain the necessary information regarding the presence and/or use of temporary workers. If temporary workers are present or utilized at the establishment the compliance officer shall obtain all the necessary documentation and information required to evaluate the safety and health program relating to temp workers and determine compliance with OSHA regulations in providing a safe and healthful workplace for these workers. The compliance officer shall refer to the current National Office guidance found on the Temporary Worker Page to conduct these inspections.

VII. Outreach:

During the course of this renewal REP the Area Director will continue to ensure that the ongoing outreach program will remain in effect during the enforcement

phase of the program. Outreach activities will continue to be directed to reach as many stake holders in the Area Office's jurisdiction as is practicable. Stakeholders which include groups such as professional organizations, the ASSP, AIHA, Unions, and Chambers of Commerce, will be notified of the existence, purpose and objectives of this emphasis program. The outreach will also promote employer knowledge and employee awareness of the hazards and acceptable methods of abatement to prevent illness and injuries. The method of outreach is at the Area Director's discretion and can consist of one or more of the following components:

1. Broadcast mail-outs or program information.
2. Stakeholder meetings.
3. Targeted training sessions.
4. Presentations to the affected group(s).
5. Media press release or e-blast

VIII. Recording in OIS. Current instructions for completing the appropriate inspection classification boxes on the OSHA Inspection Report, as found in the OIS manual shall be applied when recording inspections conducted under this REP, as follows:

- C. The OSHA Inspection Report for any programmed inspections covered under the Regional Emphasis Program for Refuse Handlers and Haulers shall be marked "Program Planned" in the Initiating Type field, and "REFUSE" in the Regional Emphasis Program field.
- B. REP Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with this REP for Warehousing Operations, Refuse Handlers and Haulers and, waste transfer operations, or recycling operations which are adjacent to refuse operations included under this initiative, the OSHA Inspection Report must be marked with the appropriate unprogrammed activity in the Initiating Type field. In addition, the value "REFUSE" or "FORKLIFT", as appropriate, shall be recorded in the Regional Emphasis Program field.
- C. REP Combined with other Emphasis Program Inspections. For all programmed inspections such as other NEPs/REP/LEPs conducted in conjunction with an REP inspection under this initiative, the OSHA Inspection Report must be marked as "Program Planned" in the Initiating Type field. In addition, the value "REFUSE" shall be recorded in the Regional Emphasis Program field along with all NEP and LEP OIS codes applicable to the inspection.

The OSHA Inspection Report for any programmed inspection covered under this Regional Emphasis Program for any other Warehousing, Storage, and Wholesale Distribution Industries shall be marked "Program Planned" in the Initiating Type field and the value "FORKLIFT" shall be recorded in the Regional Emphasis Program field.

IX. Evaluation.

- A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.
- B. The RA will ensure that each Region II area office participating in the REP will prepare and submit to EP a program report. The program report is to be conducted at the midpoint and completion of each REP/LEP. At the RA's discretion, additional reports may be required, based on the length, complexity, and coverage of the program. The midpoint assessment will take place no later than the end of the fiscal year following the calendar midpoint between the program effective and expiration dates (e.g., 2 ½ years into a 5 year program). The midpoint assessment will allow for revisions to the LEP where necessary, along with an assessment of whether continuation of the LEP is appropriate.
1. The program report will, at a minimum, address whether the LEP advances OSHA's goals and initiatives. The program report will address, as appropriate, both quantitative and qualitative measures. Types of measures that may be considered include:
- a. The number of employees and/or establishments impacted by outreach activities;
 - b. Number of hazards abated;
 - c. The number of workers removed from hazards;
 - d. Impact on illness and injury rates (note: due to lag in available BLS data, this measure may not be suited for shorter termed programs);
 - e. Reductions in the number of complaints or severe injury reports within affected industries, and;
 - f. Any indices that relate directly to measures included in the DOL Strategic Plan, the OSHA Operating Plan, and/or additional goals of the LEP.