



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2022-01 (CPL 4)

EFFECTIVE DATE: August 3, 2022

SUBJECT: Regional Emphasis Program (REP) for Warehousing Operation

REGIONAL IDENTIFIER: Region 3

ABSTRACT

Purpose: This instruction establishes policies and strategies to be followed when scheduling and conducting programmed regional emphasis inspections of warehousing, storage, and distribution yard operations in targeted North American Industry Classification System codes (NAICS). This instruction also applies where powered industrial trucks are used in other warehousing, storage, and distribution yard operations not in a targeted NAICS code.

References: See Paragraph IV

Cancellation: None

Significant Changes: None

Action Offices: Office of Enforcement Programs (Enforcement)
All Area Offices
Office of Cooperative and State Programs (CSP)

Originating Office: Philadelphia Regional Office

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By and Under the Authority of

Michael J. Rivera
Regional Administrator

I. Purpose.

This instruction establishes policies and strategies to be followed when scheduling and conducting programmed regional emphasis inspections of warehousing, storage, and distribution yard operations in targeted North American Industry Classification System codes (NAICS). Establishments where powered industrial trucks are used in other warehousing, storage, and distribution yard operations not in a targeted NAICS code will also be included in this scheduling system.

This REP is intended to reduce injury/illness rates in the warehousing industry by conducting comprehensive inspections to address hazards that may include those associated with powered industrial trucks, lockout tagout, life safety, means of egress, and fire suppression.

II. Scope.

This instruction applies to areas of federal jurisdiction in Region III and is limited to warehousing and inside or outside storage and distribution yards in Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, including those located at federal agencies, and federal installations in Region III's jurisdiction. This REP will apply to warehousing, storage, and distribution yard operations with emphasis on the following NAICS codes:

- Manufacturing: Bottled and Canned Soft Drinks and Water – 312111 and 312112
- Manufacturing: Fluid Milk Manufacturing - 311511
- Transportation: Refrigerated Warehousing and Storage – 493120
- Transportation: General Warehousing and Storage – 493110
- Retail Trade: Groceries – 445110
- Wholesale Trade: General Line Grocery - 424410
- Wholesale Trade: Meat and Meat Products – 424470
- Wholesale Trade: Groceries and Related Products – 424490
- Wholesale Trade: Beer & Ale – 424810

III. Limitations and Exemptions.

This instruction will NOT be applied to marine terminals or shipyards. All inspections will be conducted in accordance with [CPL 02-00-051](#), which lists the enforcement exemptions and limitations under the Appropriations Act.

IV. **References.**

- A. OSHA Instruction [CPL 02-00-164, April 4, 2020, Field Operations Manual](#)
- B. OSHA Instruction [CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections](#)
- C. OSHA Instruction [CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act \(Appendix A updated annually\)](#)
- D. OSHA Instruction [CPL 04-00-002, November 13, 2018, Procedures for the Approval of Local Emphasis Programs \(LEPs\)](#)
- E. OSHA NEP Outdoor and Indoor Heat-Related Hazards ([CPL 03-00-024 April 8, 2022](#))
- F. Memorandum dated [November 12, 2014, on Establishment-Targeting Lists for Emphasis Programs](#)
- G. OSHA Web Page Protecting Temporary Workers [Protecting Temporary Workers, Occupational Safety and Health Administration \(osha.gov\)](#)
- H. Standup Forklift Under-ride Hazards Safety and Health information Bulletin [Microsoft Word - FINAL Lift Truck Entrapment Hazard.doc \(osha.gov\)](#)
- I. OSHA Pocket Guide: Worker Safety Series Warehousing ([OSHA 3220-10N 2004](#))
- J. Guidelines for Retail Grocery Stores: Ergonomics for Prevention of Musculoskeletal Disorders ([OSHA3192-05N 2004](#))
- K. ANSI MH 16.1 – Specification for the Design, Testing, and Utilization of Industrial Steel Storage Racks
- L. ANSI MH 16.3 – Specification for the Design, Testing, and Utilization of Industrial Steel Storage Cantilevered Storage Racks
- M. NFPA 101-2009, Life Safety Code, 2009

V. **Cancellation.**

None, first issuance.

VI. Expiration.

This REP will expire no later than five years from the date of implementation, unless renewed.

VII. 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 (FOM) 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.

VIII. Definitions.

A. Programmed Inspections: Programmed inspections are those inspections scheduled based upon objective or neutral selection criteria.

B. Unprogrammed Inspections: Unprogrammed inspections are conducted in response to reports of imminent dangers, fatalities/catastrophes, complaints, or referrals. This type of inspection also includes follow-up and monitoring inspections.

IX. Background.

The Total Case Rate (TCR) for the NAICS codes covered by this instruction are significantly higher than industry average, according to BLS data.

For 2020, the rate of total recordable case rate for all private industry was 2.7 cases per 100 full-time workers. The rates for the industries included in this REP were 3.5 for beverage manufacturing; 4.8 for warehousing and storage; 4.0 for food and beverage stores; 4.3 for grocery wholesalers; and 5.5 for beer, wine, and alcoholic beverage wholesalers.

The operation of powered industrial trucks can lead to serious workplace injuries and/or death. Each year, tens of thousands of forklift-related injuries occur in U.S. workplaces. Common injuries are found to involve employees struck by lift trucks and falling while

standing or working from elevated pallets and tines. Employees have also been injured when lift trucks are driven off loading docks or when the lift falls between a dock and an un-chocked trailer. Fatalities have occurred as a result of an under-ride hazard when a horizontal rack beam (crossbar) or similar obstruction enters the operator's compartment. Employee deaths and injuries have also occurred when performing maintenance activities on powered industrial trucks and conveyor equipment without utilizing lockout tagout procedures. Many employee injuries and deaths can be attributed to lack of procedures, lack of or inadequate training, and lack of safety-rule enforcement.

This instruction establishes regional policies and strategies to be followed when scheduling and conducting programmed inspections of warehousing, storage, and distribution yard operations in targeted North American Industry Classification System codes (NAICS). Establishments where powered industrial trucks are used in other warehousing, storage, and distribution yard operations not in a targeted NAICS code will also be included in this scheduling system.

This REP is intended to reduce injury/illness rates in the warehousing industry by conducting comprehensive inspections to address hazards that may include those associated with powered industrial trucks, lockout tagout, life safety, means of egress and fire suppression. This emphasis program supports the DOL objective to secure safe and healthful working conditions for America's workers by implementing the OSHA Agency Management 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.

X. Selection and Scheduling of Sites for Inspection.

Inspections conducted under this regional emphasis program shall be scheduled as follows:

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 the OSHA Office of Statistical Analysis (OSA) which includes all warehousing operations plus other warehousing, storage, and wholesale distribution locations in the respective Area Office jurisdiction. The Area Director will then add or delete other sites for inspection based on local knowledge and/or gathered from available sources, e.g., OIS data, internet business listings, sightings, and other relevant literature or data sets. CSHOs assigned to conduct inspections in a location will notify the Area Director of establishments which are no longer in business, or previously unidentified establishments which fall under this REP, so that the list may be updated.

B. When performing programmed inspections under this REP, each Area Office shall

develop an inspection master list of establishments. The OSHA 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 establishment sites which have had a previous comprehensive safety and health inspection within the past three years will 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 number table or other appropriate random number generator 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 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. If the establishments on the SST list are inspected under this REP before they have been reached on the SST list, the inspection will follow appropriate procedures for SST inspection and be coded in OIS as an SST and an REP inspection.

- F. Establishments selected for inspection under this REP may fall within the scope of the current Appropriations Act. If so, enforcement activities must be conducted in accordance with the directive, CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*.

- G. Unprogrammed inspections will be initiated as a result of reports of imminent dangers, fatalities, catastrophes, complaints, referrals, or media reports, in accordance with the FOM. When unprogrammed enforcement activity is reported at establishments in NAICS codes listed in Appendix A and the unprogrammed activity meets the criteria for an inspection, comprehensive inspections may be initiated under this REP and will include, at a minimum, safety and health issues referenced in the subject unprogrammed activity. Inspections initiated by unprogrammed activity under this REP may be conducted without regard to the subject establishment being on the current cycle for programmed inspection.

XI. Focus of Inspections.

- A. At the opening conference, compliance officers shall verify the NAICS code of the facility. If the establishment NAICS code is not on the list for site selection, compliance officers shall leave the site and code the inspection as a No Inspection.
- B. 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 OSHA guidance found on the [Temporary Worker Page](#) to address issues related to temporary workers during these inspections.
- C. Compliance officers will evaluate compliance with the powered industrial truck standard 29 CFR 1910.178. Evaluation will include items such as, but not limited to, powered industrial truck operations and practices, training, safety rule enforcement, maintenance of vehicles, proper fueling/charging procedures, and any unique hazards in the workplace such as the potential for under-ride hazards. Additional information on under-ride hazards can be found in the OSHA Safety and Health Information Bulletin [Standup Forklift Under-ride Hazards](#).
- D. Compliance officers will review the hazards of storage rack systems such as, but not limited to, the capacity/structural integrity of the racks, and the safe/stable storage of items. For additional guidance reference *ANSI MH 16.1 - Specification for the Design, Testing, and Utilization of Industrial Steel Storage Racks* and *ANSI MH - 16.3 Specification for the Design, Testing and Utilization of Industrial Steel Cantilevered Storage Racks*.
- E. Compliance officers will review the establishment's injury and illness records for compliance with 29 CFR 1904 including, where appropriate, compliance with electronic reporting of injury and illness information (29 CFR 1904.41).
- F. Compliance officers will also review hazards associated with means of egress and fire suppression. For additional guidance reference NFPA 101-2009, Life Safety Code, 2009 edition which is incorporated by reference and IBR approved for §§1910.34, 1910.35, 1910.36, and 1910.37.
- G. Compliance with 29 CFR §1910.147 and related hazardous energy control standards shall be evaluated in accordance with CPL 02-00-147. The review of the records

shall include attention to injuries related to servicing and maintenance operations. All programmed inspections shall be performed in accordance with the FOM, CPL 02-00-164, and other inspection policies and procedures.

- H. All hazards observed or discovered during any inspection conducted under this REP shall be appropriately addressed. For establishments covered by this REP, other hazards that may arise include, but are not limited to: ergonomic hazards (musculoskeletal disorders, MSDs); slips, trips, and falls; exposure to hazardous chemicals; and heat hazards. See OSHA Pocket Guide: Worker Safety Series Warehousing ([OSHA 3220-10N 2004](#)), Guidelines for Retail Grocery Stores: Ergonomics for Prevention of Musculoskeletal Disorders ([OSHA3192-05N 2004](#)), and OSHA NEP Outdoor and Indoor Heat-Related Hazards ([CPL 03-00-024 April 8, 2022](#)).

XII. Coding in OIS:

- A. REP Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with this REP for Warehousing 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 "WAREHOUSE", as appropriate, shall be recorded in the Regional Emphasis Program field.
- B. 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 "WAREHOUSE" shall be recorded in the Regional Emphasis Program field along with all NEP and LEP OIS codes applicable to the inspection.

XIII. Outreach:

The Assistant Regional Administrator for Cooperative and State Programs and the Assistant Regional Administrator for Enforcement Programs will ensure the Area Directors and all staff performing outreach are familiar with this directive and actively promote the REP when conducting outreach sessions, presentations, and meetings as appropriate. Hazards, work practices, and machinery associated with forklift use and warehousing operations and covered by this REP will be pointed out and discussed during outreach sessions and meetings. Handouts and publications that address these hazards, which are already developed and available, will be provided at outreach sessions and meetings. A copy of this REP will be provided to interested parties upon request. An outreach period of at least 90 days must be conducted prior to beginning enforcement.

XIV. Evaluation.

A. The Regional Administrator (RA) will ensure that Region III area offices prepare and submit to the Assistant Regional Administrator for Enforcement Programs a program report. The program report is to be conducted at the midpoint and completion of this REP. At the RA's discretion, additional reports may be required, based on the length, complexity, and coverage of the program. The midpoint assessment shall be no later than the end of the fiscal year following the calendar midpoint between the program effective and expiration dates, i.e., 2½ years after the effective date. The midpoint assessment will allow for revisions to the LEP where necessary, along with an assessment of whether continuation of the LEP is appropriate. In addition, the following information will be included in each program report:

1. The goal of the program.
2. A determination of how effective the program is/was in meeting its goal.
3. Data and information to support the conclusions stated in the goal, including enforcement statistics shall include at a minimum:
 - a. The number of employees and establishments impacted by outreach activities.
 - b. The number of inspections conducted.
 - c. The number of hazards abated related to Lockout Tagout, Powered Industrial Trucks, and ergonomics.
 - d. The number of workers removed from hazards.
4. Additional data and information, if available, may include:
 - a. Impact on illness and injury rates (note: due to lag in available BLS data, this measure may not be suited for shorter termed programs).
 - b. Reductions in the number of complaints or severe injury reports within affected industries.
 - c. Any indices that relate directly to measures included in the DOL Strategic Plan, the OSHA Operating Plan, and/or additional goals of the LEP.
5. Statement of whether the program should be continued, accompanied by a brief rationale.

6. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program could be approved.
 7. Any other comments or recommendations, including findings which might have an impact on how OSHA or the industry does business.
- B. This evaluation shall be submitted to the Assistant Regional Administrator for Enforcement Programs for review, at which time a decision will be made to continue, amend, renew or discontinue the REP.