



# OSHA Regional Instruction

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** 21-06 (CPL 04) | **EFFECTIVE DATE:** December 31, 2021

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

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**REGIONAL IDENTIFIER:** Region 10

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## ABSTRACT

- Purpose:** This instruction renews the policies and procedures to be followed 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 02-00-164, Field Operations Manual, dated April 4, 2020.
  - 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.
- Cancellation:** OSHA Regional Notice 19-09 (CPL 04), dated December 31, 2018
- Expiration Date:** This instruction will expire December 31, 2026, but may be renewed.

**State Plan Impact:** None.

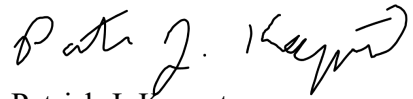
**Significant Changes:** The list of casinos operating in Oregon and Washington was removed from this renewed LEP.

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

**Originating Office:** Office of Enforcement Programs

**Contact:** Assistant Regional Administrator  
Office of Enforcement Programs

By and Under the Authority of:



Patrick J. Kapust  
Acting Regional Administrator

## Executive Summary

The purpose and intent of this instruction is to renew 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.

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**I. Purpose.**

This instruction renews a Local Emphasis Program (LEP) for inspections of casinos and/or casino hotels on Native American reservations and trust lands 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 Offices. 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 02-00-164, Field Operations Manual, dated April 4, 2020.

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 19-09 (CPL 04), dated December 31, 2018

**VI. Expiration.**

This instruction will expire December 31, 2026, 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 Occupational Safety and Health Administration (OSHA) Fiscal Year 2022 Agency Management Plan, Agency Theme 1, Assure Safe and Healthful Workplaces, to secure safe and health workplaces, including the agency’s theme to protect the most vulnerable workers in high hazard industries, by targeting industries with higher than average illness and injury rates.

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.

<b>Year</b>	<b>OR TRC</b>	<b>OR DART</b>	<b>WA TRC</b>	<b>WA DART</b>	<b>FED TRC</b>	<b>FED DART</b>
2019	4.6	3.1	5.1	2.6	4.3	2.5
2018	4.5	2.7	2.8	1.6	4.2	2.3
2017	4.2	2.6	5.8	3.1	4.3	2.4
2016	5.6	3.1	5.7	2.5	4.4	2.4
2015	3.9	2.2	4.7	2.2	4.9	2.8

The 2019 Federal TRC rate for all private industries 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 will 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.

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”.