



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** CPL 2-07-130

**EFFECTIVE DATE:** October 1, 2019

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**SUBJECT:** Kansas Local Emphasis Program (LEP) on Oil and Gas Operations

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**REGIONAL IDENTIFIER:** Region VII

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## ABSTRACT

**Purpose:** This Instruction continues a Local Emphasis Program (LEP) to identify employers classified in the North American Industry Classification System (NAICS) codes 211111, Crude Petroleum and Natural Gas Extraction, and 213111, Drilling Oil and Gas Wells. This LEP does not initially identify employers in NAICS 213112, Support Operations for Oil and Gas Operations, but they may be affected.

**Scope:** This Instruction applies to the State of Kansas.

**References:** OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs, November 13, 2018

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 Appropriations Act, May 28, 1998, or successor guidance

OSHA Instruction CPL 02-00-163, Field Operations Manual, September 13, 2019 or the most current version at the time of the inspection opening conference

Kansas Corporation Commission Statewide Spud Report, generated upon request.

**Cancellation:** This Instruction cancels CPL 2-07-13N, Kansas Local Emphasis Program (LEP) on Oil and Gas Operations, October 1, 2018.

**State Plan Impact:** None

Action Office: Wichita Area Office

Originating Office: Kansas City Regional Office

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By and Under the Authority of:

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## **Executive Summary**

The Wichita Area Office will identify employers classified in the North American Industry Classification System (NAICS) codes 211111, Crude Petroleum and Natural Gas Extraction, and 213111, Drilling Oil and Gas Wells. The Wichita Area Office does not initially identify employers in NAICS 213112, Support Operations for Oil and Gas Operations, but they may be affected.

The intent is encouraging employers to take steps to address hazards, evaluate facilities to determine compliance with all relevant OSHA requirements, and help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

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- I. Purpose.** This Instruction continues a Local Emphasis Program (LEP) for conducting inspections in the Oil and Gas industry within the jurisdiction of the Wichita Area Office. The LEP goal is to secure safe and healthful working conditions for American workers in line with OSHA’s Strategic Objective 2.1: “Secure safe and healthful working conditions for American workers.”
- II. Scope.** This Instruction applies to establishments classified in the North American Industry Classification System (NAICS) codes below:

NAICS	Description
211111	Crude Petroleum and Natural Gas Extraction
213111	Drilling Oil and Gas Wells
213112, may be inspected when observed working (see paragraph X.B.2)	Support Operations for Oil and Gas Operations

- III. Expiration.** This Instruction will expire on September 30, 2024
- IV. Action.** OSHA compliance personnel shall follow the procedures contained in this instruction when conducting outreach and enforcement activities.
- V. References.**
  - A. OSHA Instruction CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs (LEPs), November 13, 2018.
  - B. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
  - C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, dated May 28, 1998 and Change dated December 18, 2018 (Appendix A), or most current version
  - D. OSHA Instruction CPL 02-00-163, Field Operations Manual, September 13, 2019, or the most current version at the time of the inspection opening conference.
  - E. Kansas Corporation Commission Statewide Spud Report, generated upon request.
  - F. U.S. Department of Labor FY 2018-2022 Strategic Plan (SMP), <https://www.dol.gov/sites/dolgov/files/legacy-files/budget/2019/FY2018-2022StrategicPlan.pdf>
  - G. OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
  - H. Bureau of Labor Statistics Fact Sheet, Mining, Quarrying, and Oil and Gas Extraction, July 2017. <https://www.bls.gov/iif/oshwc/foi/mining-fact-sheet.htm>
  - I. Bureau of Labor Statistics Injuries, Illnesses, and Fatalities (IIF) database, in 2017. <https://www.bls.gov/iif/oshcdnew2017.htm>

**VI. Cancellation.** This Instruction cancels CPL 2-07-13N, Local Emphasis Program on Oil and Gas Operations, October 1, 2018.

**VII. Action Offices.** Wichita Area Office

**VIII. Background.** OSHA continues working to secure safe and healthful working conditions for America's workers in line with OSHA's Strategic Objective 2.1, in the U. S. Department of Labor's FY 2018-2022 Strategic Plan. According to a Bureau of Labor Statistics (BLS) Fact Sheet, Mining, Quarrying, and Oil and Gas Extraction, July 2017, from 2003 to 2015 the number of fatal occupational injuries in private oil and gas industries ranged from 142 in 2012 to 68 in 2009. Between 2003 and 2015, 1,423 fatal incidents occurred in the oil and gas industry, more than 109 per year. Over this period, contact with objects and equipment resulted in 354 fatalities; fires or explosions resulted in 202 fatalities; falls, slips, and trips resulted in 116 fatalities; and exposure to harmful substances or environments resulted in 126 fatalities. The median days away from work are a key measure of nonfatal injuries and illnesses severity. According to the Bureau of Labor Statistics Injuries, Illnesses, and Fatalities (IIF) database, in 2017, drilling oil and gas wells (NAICS 213111) suffered a median days away from work rate of 43, more than five times the median of eight for all industries. Support activities for oil and gas operations (NAICS 213112) had median days away from work rate of 30, more than three times the median of eight for all industries. Crude petroleum and natural gas extraction (NAICS 211111) had median days away from work rate of 15, nearly twice the median for all industries.

According to National OSHA inspection history, both federal and state plan compliance officers conducted 480 inspections during FY 2018 in North American Industry Classification System (NAICS) codes: 211111 Crude Petroleum and Natural Gas Extraction, 213111 Drilling Oil and Gas Wells and 213112 Support Operations for Oil and Gas Operations. Of those 480 inspections, compliance officers initiated 45 fatality inspections. Between FY 2012 and FY 2018, the Wichita Area Office conducted seven (7) fatality inspections in NAICS codes 211111 Crude Petroleum, 213112 Support Operations for Oil and Gas Operations, and 213111 Natural Gas Extraction and Drilling Oil and Gas Wells.

Between FY 2012 through FY 2018, the Wichita Area Office conducted 48-programmed inspections and 156 un-programmed inspections comprised of complaints, referrals, employer-reported referrals, and seven (7) fatalities.

By directing inspection activity to employers in this industry, OSHA strives to reduce injury and fatality rates in the oil and gas drilling, exploration, and servicing industry. Continuation of this program through FY 2024 provides a proactive identification scheme allowing for a broad range of coverage for the oil and gas industry throughout the state of Kansas.

**IX. Inspection Scheduling and Site Selection.**

Selection of establishments for programmed inspections: The Area Office shall follow procedures set forth in paragraph B. below in accordance with the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: Establishment – Targeting Lists for Emphasis Programs.

A. Inspection List.

The Wichita Area Office will obtain a “Statewide Spud Report” from the Kansas Corporation Commission (KCC). The Statewide Spud Report identifies the well name and location for each active drilling site in the state of Kansas. “Spudding” refers to beginning drilling by alternately raising and releasing a spudding bit with a drilling rig, or to dig, remove or otherwise treat with a spud. Employers must notify the KCC when they have begun, or intend to begin to spud within hours. The Statewide Spud Report will include all sites that have spudded in the previous five calendar days, from the date of the request. (For example, if the Wichita Area Office made a request on the 20<sup>th</sup>, the Spud Report date range would include the 15<sup>th</sup>–19<sup>th</sup>). The Wichita Area Office will consider each Statewide Spud Report received as an inspection list.

B. Inspection Cycles.

1. The Area Office shall follow procedures and the site randomization protocols outlined in CPL 02-00-025 Scheduling System for Programmed Inspections, and apply a random numbers table to the well name/location for inspection cycle creation.
2. The Area Office will conduct an inspection of the well name/location identified as “1” by the random numbering. This will be inspection cycle one. When that inspection is completed or is determined for any reason to be a “no inspection”, operator/well name/location cycle one is completed. If resources are available within the same calendar week, the Area Office will randomly select a second site from the inspection list, and conduct an inspection. This will be inspection cycle two. The maximum number of cycles selected from any given inspection list will be two. This is due to the frequent changes to the Statewide Spud Report and a need for up-to-date drilling information to ensure the most efficient use of compliance resources.

X. **Inspection Procedures.** The Area Office will conduct inspections in accordance with this Instruction and the Field Operations Manual.

A. Programmed Inspections:

1. Inspections will follow procedures outlined in the FOM. Except as stated in B.2., of this section, the Area Office will conduct a comprehensive safety and health inspection at each selected site. Resources permitting, joint safety and health inspections are simultaneous. When this is not possible, a compliance officer will initiate either safety or health inspection with the opposite discipline to follow as resources become available or as the Area Director allows a cross-trained CSHO to address both safety and health hazards.
2. The Wichita Area Office will adhere to OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act and its current Appendix A, in the implementation of this program. Affected employers, with 10 or fewer employees at all times in the last 12

months (prior to the inspection date), will only receive a programmed health inspection.

3. During the course of an inspection, where another employer in NAICS 213112 is working at the inspection site, a programmed-related inspection will commence for that employer following the same conditions as identified in #1 and #2 above.
4. A Driller is defined as, an employer who performs work under North American Industry Classification System 213111. Once a Driller receives a comprehensive safety and health inspection under this LEP, the Driller will not receive another programmed inspection for a period of six months following completion of the inspection(s). The six-month period is to provide sufficient opportunity for the Driller to ensure compliance at other drilling sites. The Wichita Area office should apply an exception to this policy in the event that a Compliance Safety and Health Officer (CSHO), inspecting at another drilling site where this Driller is present, finds an imminent danger situation at that drilling site. Under those circumstances, an inspection will commence as outlined in subparagraph C, below.

**B. Unprogrammed Inspections:**

1. The Wichita Area office shall schedule reports of imminent danger, fatality/catastrophe, complaints, and referrals concerning worksites within NAICS 211111, 213111, and 213112 as un-programmed inspections and conduct them in accordance with the FOM. The Area Office will conduct an inspection where such a report (including an OSHA referral) provides reasonable cause to believe a serious hazard/violation exists at the worksite.
2. If a CSHO observes an active drilling rig (NAICS 211111 or 213111), the CSHO will make a referral and conduct an inspection following inspection procedures outlined in IX.B and IX.C.

**XI. OSHA Information System (OIS) Coding.** The Area Office will identify inspections conducted under this LEP in OIS. The Area Office will follow current instructions for completing the appropriate inspection classification boxes on the OIS Inspection Form:

- A. Mark OIS form(s) for programmed inspections scheduled under the procedures in this LEP as “planned,” and under “Local Emphasis Program” select “OILGAS” from the drop down menu.
- B. Code OIS form(s) for un-programmed inspections scheduled under the provisions of the FOM as normally required under the FOM. In addition, select “OILGAS” from the drop down menu under “Local Emphasis Program”.
- C. Generate an OIS Compliance Assistance form when an inspection is inappropriate for any employer appearing on the *Enforcement Exemptions and Limitations under the Appropriations Act*. Mark “OILGAS Outreach” in block 3b.
- D. The Area Office will generate an OIS Compliance Assistance form after providing technical assistance to employers, professional associations, local



unions, etc. during this effective period of this Instruction. Mark "OILGAS Outreach" in block 3b.

- XII. Outreach.** Prior to initiating inspection activity under the original LEP (CPL 2-07-13), the Wichita Area Office issued a news release summarizing the hazards related to this industry as well as the enforcement activities that will take place pursuant to this LEP. Area Office contact information was included. The information is available upon request to employers, professional associations, and labor organizations. As an additional resource to achieve compliance, employers are encouraged to utilize the OSHA Consultation Service delivered by the Kansas Department of Labor.
- XIII. Program Report.** No later than midway through the life of the program and completion of the program, the Area Office will provide a program report of this LEP to the Regional Office. At a minimum, the report should respond to the requirements of CPL 04-00-002, Section VII, E.