



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF
LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-11-01K

EFFECTIVE DATE: October 1, 2019

SUBJECT: Regional Emphasis Program (REP) – Work Places with Noise and Respiratory Hazards

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Instruction continues a Regional Emphasis Program (REP) for programmed health inspections of general industry establishments in industries that commonly have noise and respiratory hazards.

Scope: This Instruction applies to all establishments within the Region VII Federal Enforcement Offices

References: OSHA Instructions: CPL 02-00-163 Field Operations Manual (FOM), September 13, 2019, or the most current version at the time of the inspection opening conference
CPL 04-00-002 Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018
CPL 02-00-025 Scheduling System for Programmed Inspections, January 4, 1995
CPL 02-00-051 Enforcement Exemptions and Limitations under the Appropriations Act, May 28, 1998, or successor guidance
Memorandum to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.

Cancellations: This Instruction cancels CPL 02-11-01J, Region-wide Local Emphasis Program (LEP) - Workplaces with Noise and Respiratory Hazards, October 1, 2018.

State Plan Impact: None

Action Offices: Region VII Federal Enforcement Offices

Originating Office: Kansas City Regional Office – Enforcement Programs

Contact: Assistant Regional Administrator for Enforcement Programs
2300 Main Street, Suite 1010
Kansas City, Missouri 64108
(816) 283-8745

By and Under the Authority of:

Kimberly A. Stille
Regional Administrator, VII

EXECUTIVE SUMMARY

This Instruction continues a Regional Emphasis Program (REP) for programmed health inspections of general industry establishments in industries that commonly have noise and respiratory hazards.

Workers employed in general industry establishments face noise hazards that can lead to hearing loss. The intent of this Regional Emphasis Program is to encourage employers to take steps to address hazards, ensure OSHA evaluates facilities to determine if the employer complies with all relevant OSHA requirements, and help employers to correct hazards, thereby reducing the potential injuries to their workers.

This instruction proposes to accomplish this through outreach and enforcement activities. Outreach activities included a region-wide news release to media, notifying employers of the continuation of the emphasis program. In addition, Region VII federal Area Offices make information about this program available during speeches to any audience with possible connections to affected industries.

Table of Contents

I. Purpose.....5

II. Scope.....5

III. Expiration.....5

IV. Action.....5

V. References.....5

VI. Cancellation5

VII. Action Offices.....5

VIII. Background.....5

IX. Inspection Scheduling.....6

 A. Health Hazard Industry NAICS List6

 B. Establishments in Health Hazard Industries7

 C. Randomization.....7

 D. Cycles.....7

 E. Deletions7

X. Inspection Procedures7

XI. OIS Coding8

XII. Outreach.....8

XIII. Program Report.....8

Appendix A - Health List Common to Both 1910.95 & 1910.1348.....A-1

- I. Purpose.** This Instruction continues a Regional Emphasis Program (REP) for programmed health inspections of general industry establishments in industries that commonly have occupational noise and respiratory hazards exposure which is causing or likely to cause injury, illness, permanent disability, or death.
- II. Scope.** This Instruction applies to general industry establishments in industries that commonly have occupational noise and respiratory hazards within the jurisdiction of all Federal Area Offices in Region VII.
- III. Expiration Date.** This Instruction will expire 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 Approval of Local Emphasis Programs (LEPs), November 13, 2018.
 - B. OSHA Instruction CPL 02-00-163, Field Operations Manual (FOM), September 13, 2019, or the most current version at the time of the inspection opening conference.
 - C. OSHA Instruction CPL 02-00-111, Citation Policy for Paperwork and Written Requirement Violations, November 27, 1995.
 - D. 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.
 - E. OSHA Memorandum from Thomas Galassi to Regional Administrators, Procedures for Local and Regional Emphasis Programs, December 3, 2014.
 - F. OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- VI. Cancellation.** This Instruction cancels OSHA Regional Notice CPL 02-11-01J, Workplaces with Noise and Respiratory Hazards, October 1, 2018.
- VII. Action Offices.** Region VII Federal Enforcement Offices
- VIII. Background.** Approximately 30 million workers experience exposure to hazardous noise on the job. Noise induced hearing loss is one of the most common occupational diseases and second most self-reported occupational illness or injury. Work-related hearing loss continues to be a critical workplace health and safety issue.

Under previous and currently used systems to select high hazard establishments for programmed inspections, the priority for general industry inspections relies on the Bureau of Labor Statistics (BLS) Days Away, Restricted or Transferred (DART) rates in addition to Days Away From Work, Injury, and Illness (DAFWII) rates. The nonfatal occupational

injury and illness DART rate for private industry is 1.5 (2017). BLS hearing loss rates for the Manufacturing Industry Sector is 8.4 (2017).

Initiation of REP development occurred when analysis revealed there were nine North American Industry Classification System (NAICS) codes in the top 15 most cited groups for both 1910.95 and 1910.134. Employees of these Industry Groups could be at risk for both hearing loss and respiratory illness or injury.

This REP has effectively outperformed the average of all health inspections from FY 2016-April 8, 2019. This REP realized a Serious, Repeat, or Willful Violation Rate of 59.1%, which was 9.6% higher than all health inspections. Expectedly, the Average Violation per Inspection favored this REP when compared to all other health inspections with 3.15 compared to 2.82 violations per inspection. Inspections conducted under this REP realized a 3.1% higher initial penalty compared to all health inspections. During this period, 27.1 % of hazards cited under this REP were for violations of the Occupational Noise Exposure standard or Respiratory Protection standard. In health inspections not coded for this REP, 13.9 % of hazards cited were for violations of the Occupational Noise Exposure standard or Respiratory Protection standard. This REP realized a greater percentage of cited hazards of the Occupational Noise Exposure standard and Respiratory Protection standard than other health inspections combined.

This REP has contributed to personal industrial hygiene sampling in 85 inspections from FY 2016 – April 8, 2019. This REP realized an overexposure to the noise permissible exposure limit (PEL) in 17.5% of these inspections. This REP also realized an overexposure to respiratory PELs in 16.7% of inspections, to include methylene bisphenyl isocyanate, iron oxide fume, particulates not otherwise regulated (PNOR) total dust, PNOR respirable fraction, copper fume, respirable crystalline silica, and hexavalent chromium.

In order to make efficient use of OSHA's limited industrial hygiene resources, focusing them on industries that commonly have both noise and respiratory hazards, this REP is continued. As per CPL 02-00-051 (Reference D.), this health-hazard targeting program includes industries with ten or fewer employees.

IX. Inspection Scheduling and Site Selection. Using the Industry Profile for OSHA Standard 1910.95 (FY 2008) and the Industry Profile for OSHA Standard 1910.134 (FY 2008) from OSHA's Information System (OIS), Region VII developed a list of NAICS Industry Groups.

A. Health Hazard Industry NAICS List. The Industry Profile for an OSHA Standard identifies those Industry Groups, which have had citations for that OSHA Standard issued within a specific fiscal year, and sorts that list from most-cited group to least-cited group. The Industry Profile for OSHA Standard 1910.95 (FY 2009), using the four digit Industry Group NAICS code, was compared to the Industry Profile for OSHA Standard 1910.134 (FY 2009). Six NAICS Industry Group codes were in the top 15 most cited groups for both 1910.95 and 1910.134. This REP covers these six industries as the health hazard list (see Appendix A).

- B. Establishments in Health Hazard Industries. Using the most recently available Dun and Bradstreet employer list prepared by OSHA's Office of Statistical Analysis (OSA), Region VII federal enforcement Area Offices prepared a Master List of establishments using the identified NAICS codes referenced in Appendix A. This list of establishments makes up the health inspection list.
- C. Randomization. The Area Office shall follow procedures and the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: Establishment – Targeting Lists for Emphasis Programs.
- D. Cycles. Each inspection cycle will consist of five establishments from the health inspection list. Completion of each inspection cycle for each list is imperative before generation of another cycle from that list. The CPL 02-00-025, paragraph B.1.b. (1)(e).1, allows establishment carryover to another cycle. Generate subsequent cycles in the same manner using cycles of five establishments each.
- E. Deletions.
 - a. Area Offices may delete from the list, any establishment that has received a comprehensive health inspection within the previous thirty-six (36) calendar months of the current inspection cycle.
 - b. Area Offices shall apply deletion criteria to the list of establishments, with the exception of deletion criteria H#, I#, S#, and T#, derived from OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, Paragraph B.1.b.(1)(b)6.d.

X. Inspection Procedures. Inspections will be conducted in accordance with this Instruction and the Field Operations Manual.

- A. Each establishment scheduled for inspection from the health inspection list, as well as any unprogrammed health inspection or investigation such as a complaint, referral, or fatality in an establishment with a NAICS code in Appendix A, shall receive a comprehensive health inspection as defined by the FOM.
- B. For **any** unprogrammed safety inspection or investigation such as a complaint, referral, or fatality in **any** establishment with a NAICS code in Appendix A:
 - a. The OSHA Compliance Officer shall conduct sound level meter screenings.
 - b. A referral for a health inspection will occur when sound levels exceed OSHA permissible limits.
 - c. The Compliance Officer shall also assess respirator use and respirator programs for compliance with the respirator standard and propose citation(s) or make a health referral if necessary.
- C. Area Offices shall schedule reports of imminent danger, fatality/catastrophe, complaints, and referrals as unprogrammed inspections and shall perform

inspections in accordance with the applicable provisions of the FOM. This does not limit the Area Office's authority to conduct an inspection pursuant to the provisions of the FOM.

- D. Appropriation Act. Area Offices will adhere to OSHA Instruction CPL 02-00-051, Exemptions and Limitations under the Current Appropriations Act, in implementation of this program. Offices will use the most updated list at the time of the opening conference to determine eligibility for inspection.

XI. OIS Coding. Area Offices will identify Inspections conducted under this REP in the OSHA Information System (OIS) and follow current instructions for completing the appropriate inspection classification boxes on the OIS Inspection Form:

- A. The OIS Inspection Form for any programmed inspection scheduled under the procedures in this REP shall be marked "Programmed Planned" in the Initiating Type block and the Area Office shall record the word "RESPNOISE" in the Local Emphasis Program block.
- B. Area Offices shall record "No Inspection" after discovering, at a worksite scheduled for an REP inspection, that an establishment needs deleting from the list (e.g., establishment is out of business, etc.).
- C. Area Offices will code the OIS Inspection Form for any unprogrammed inspection scheduled under the provisions of the FOM relating to formal complaints, referrals requiring inspection, imminent danger, and fatality/catastrophe investigations as normally required under the FOM. In addition, Area Offices will code the designation of "RESPNOISE" in the Local Emphasis Program block.
- D. Code placement of "RESPNOISE" is necessary in the Local Emphasis Program field for all consultation activities (i.e., requests, visits, and compliance assistance conducted at establishments in the NAICS codes included in this REP.

XII. Outreach. At least 90 days prior to commencing inspection activity under this REP, the Regional, and Area Offices previously conducted outreach activities intended to reach as many employers and stakeholders as is practicable. Shortly after the original effective date of this REP, OSHA Region VII distributed a region-wide news release to media. This news release informed affected industries of the existence of this program. In addition, Region VII federal Area Offices make information about this program available during speeches to any audience with possible connections to affected industries.

XIII. Program Report. No later than midway through the life of the program, the Area Office will provide a program report of this REP to the Regional Office. At a minimum, the report should respond to the requirements of CPL 04-00-002, Section VIII, E.

Appendix A - Health List Common to 1910.95 & 1910.134

INDUSTRY CLASSIFICATION		
Industry Group 3219: Other Wood Product Manufacturing		
NAICS Codes	321911	Wood Window and Door Manufacturing
	321912	Cut Stock, Resawing Lumber, and Planing
	321918	Other Millwork (including Flooring)
	321920	Wood Container and Pallet Manufacturing
	321991	Manufactured Home (Mobile Home) Manufacturing
	321992	Prefabricated Wood Building Manufacturing
	321999	All Other Miscellaneous Wood Product Manufacturing
Industry Group 3323: Architectural and Structural Metals Manufacturing		
NAICS Codes	332311	Prefabricated Metal Building and Component Manufacturing
	332312	Fabricated Structural Metal Manufacturing
	332313	Plate Work Manufacturing
	332321	Metal Window and Door Manufacturing
	332322	Sheet Metal Work Manufacturing
	332323	Ornamental and Architectural Metal Work Manufacturing
Industry Group 3279: Other Nonmetallic Mineral Product Manufacturing		
NAICS Codes	327910	Abrasive Product Manufacturing
	327991	Cut Stone and Stone Product Manufacturing
	327992	Ground or Treated Mineral and Earth Manufacturing
	327993	Mineral Wool Manufacturing
	327999	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing
Industry Group 3328: Coating, Engraving, Heat Treating, and Allied Activities		
NAICS Codes	332811	Metal Heat Treating
	332812	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
	332813	Electroplating, Plating, Polishing, Anodizing, and Coloring
Industry Group 3329: Other Fabricated Metal Product Manufacturing		
NAICS Codes	332911	Industrial Valve Manufacturing
	332912	Fluid Power Valve and Hose Fitting Manufacturing
	332913	Plumbing Fixture Fitting and Trim Manufacturing
	332919	Other Metal Valve and Pipe Fitting Manufacturing
	332992	Small Arms Ammunition Manufacturing
	332996	Fabricated Pipe and Pipe Fitting Manufacturing
	332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
Industry Group 3366: Ship and Boat Building		
NAICS Codes	336611	Ship Building and Repairing
	336612	Boat Building