



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-16-03E

EFFECTIVE DATE: October 1, 2019

SUBJECT: Regional Emphasis Program (REP) High Hazard Safety and Health Workplace Inspections

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: This Instruction continues a Regional Emphasis Program (REP) for programmed safety and health inspections of general industry establishments in high hazard industries.

Scope: This Instruction applies to all Area Offices within Region VII's Federal Enforcement Offices

References:

- 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
- OSHA Instruction CPL 04-00-002 Procedures for Approval of Local Emphasis Programs s), November 13, 2018
- OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995
- OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations Under the Current Appropriations Act, May 28, 1998, or successor guidance
- OSHA Instruction CPL 03-00-021, PSM Covered Chemical Facilities National Emphasis Program, January 17, 2017.

Cancellations: This Instruction cancels CPL 2-16-03D, Region-wide Local Emphasis Program (LEP) High Hazard Safety and Health Workplace Inspections, October 1, 2018

State Plan Impact: None

Action Offices: Region VII Federal Enforcement Area Offices

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By and Under the Authority of:

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EXECUTIVE SUMMARY

The Instruction continues a Regional Emphasis Program (REP) for programmed safety and health inspections of general industry establishments located in Region VII in high hazard industries as identified by injury and illness rates. The program affects all establishments in high hazard industries with more than 3,000 workers per state and establishments with more than ten employees within the jurisdictional boundaries of Region VII.

The intent is to encourage employers to take steps to address hazards, ensure facilities are evaluated to determine if the employer complies with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing potential injuries, illnesses, and death of workers.

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I. Purpose.

The Instruction continues a Regional Emphasis Program (REP) for programmed safety and health inspections of general industry establishments located in Region VII in high hazard industries as identified by injury and illness rates. This program affects all establishments in high hazard industries with more than 3,000 workers per state and establishments with more than ten employees within jurisdictional boundaries of Region VII.

II. Scope.

The Instruction applies to general industry establishments within jurisdictional boundaries of all Region VII Federal Enforcement Area Offices.

III. Expiration.

The 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. The Occupational Safety and Health Act of 1970.
- B. OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
- C. 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.
- D. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
- E. 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.
- F. OSHA Instruction CPL 02-02-045 (REVISED), Process Safety Management of Highly Hazardous Chemicals--Compliance Guidelines and Enforcement Procedures, September 13, 1994.
- G. OSHA Instruction CPL 03-00-021, PSM Covered Chemical Facilities National Emphasis Program, January 17, 2017.
- H. OSHA Memorandum from Francis Yebesi to Regional Administrators, Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.
- I. Environmental Protection Agency, Enforcement, and Compliance History Online (ECHO) <http://echo.epa.gov>.
- J. OSHA Technical Links Web Page, Ergonomics Enforcement Policy, <https://www.osha.gov/SLTC/ergonomics/faqs.html>.

- K. Furniture and Related Products, <https://www.osha.gov/SLTC/woodproducts/index.html>.
- L. Computer and Electronic Products, <https://www.osha.gov/SLTC/semiconductors/index.html>.
- M. Meat Packing, <https://www.osha.gov/SLTC/meatpacking/index.html>.
- N. Poultry Processing, <https://www.osha.gov/SLTC/poultryprocessing/index.html>.
- O. Silica, <https://www.osha.gov/dsg/topics/silicacrystalline/index.html>.
- P. Concrete and Concrete Products, <https://www.osha.gov/SLTC/concreteproducts/index.html>.
- Q. Toxic Metals, <https://www.osha.gov/SLTC/metalsheavy/index.html>.
- R. Synthetic Mineral Fibers (Fiberglass), <https://www.osha.gov/SLTC/syntheticmineralfibers/index.html>.
- S. Metalworking Fluids, <https://www.osha.gov/SLTC/metalworkingfluids/index.html>.
- T. Welding, Cutting, and Brazing, <https://www.osha.gov/SLTC/weldingcuttingbrazing/index.html>.

VI. Cancellation. The Instruction cancels CPL 2-16-03D, Region-wide Local Emphasis Program (LEP) High Hazard Safety and Health Workplace Inspections, October 1, 2018.

VII. Action Offices. Region VII Federal Enforcement Offices

VIII. Background. Under current directives used to select high hazard establishments for programmed inspections, some establishments received comprehensive inspections every three years while other establishments never received a comprehensive OSHA inspection. This regional emphasis program bases priority for General Industry safety inspections on Calendar Year (CY) 2017 U. S. Bureau of Labor Statistics (BLS) Days Away, Restricted or Transferred (DART) rates in addition to Days Away From Work Injury, and Illnesses (DAFWII) rates. General Industry health inspections priority uses three fiscal years of OSHA inspection data (Fiscal Year [FY] 2016 – FY 2018) from the OSHA Information System (OIS) and calculating the Serious Violation Rate per Inspection (SVPI).

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, 2017 (Numbers in thousands)

Characteristic	Private industry		Wood product manufacturing	
	Number	Rate	Number	Rate
	2017	2017	2017	2017
Injuries and Illnesses				
Total cases	2,811.5	2.8	22.7	5.6
Cases with days away from work, job transfer, or restriction	1,528.0	1.5	13.0	3.2
Cases with days away from work	882.7	0.9	6.4	1.6
Cases with job transfer or restriction	645.3	0.7	6.6	1.6
Other recordable cases	1,283.5	1.3	9.7	2.4
Injuries				
Total cases	2,685.1	2.7	21.5	5.3
Illnesses				
Total cases	126.4	12.8	1.2	29.2
Illness categories				
Skin disorders	18.5	1.9	0.1	2.2
Respiratory conditions	10.4	1.1	0.0	-
Poisoning	1.7	0.2	0.0	-
Hearing loss	14.0	1.4	0.7	18.5
All other illness cases	81.8	8.3	0.3	8.2

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, 2017 (Numbers in thousands)

Characteristic	Private industry		Food manufacturing	
	Number	Rate	Number	Rate
	2017	2017	2017	2017
Injuries and Illnesses				
Total cases	2,811.5	2.8	71.0	4.5
Cases with days away from work, job transfer, or restriction	1,528.0	1.5	48.7	3.1
Cases with days away from work	882.7	0.9	20.0	1.3
Cases with job transfer or restriction	645.3	0.7	28.7	1.8
Other recordable cases	1,283.5	1.3	22.4	1.4
Injuries				
Total cases	2,685.1	2.7	62.2	3.9
Illnesses				
Total cases	126.4	12.8	8.8	55.9
Illness categories				
Skin disorders	18.5	1.9	0.6	3.7
Respiratory conditions	10.4	1.1	0.3	1.6
Poisoning	1.7	0.2	0.0	-
Hearing loss	14.0	1.4	2.1	13.4
All other illness cases	81.8	8.3	5.9	37.2

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, 2017 (Numbers in thousands)

Characteristic	Private industry		Beverage and tobacco product manufacturing	
	Number	Rate	Number	Rate
	2017	2017	2017	2017
Injuries and Illnesses				
Total cases	2,811.5	2.8	11.6	5.0
Cases with days away from work, job transfer, or restriction	1,528.0	1.5	7.6	3.3
Cases with days away from work	882.7	0.9	3.4	1.5
Cases with job transfer or restriction	645.3	0.7	4.2	1.8
Other recordable cases	1,283.5	1.3	4.0	1.7
Injuries				
Total cases	2,685.1	2.7	11.2	4.9
Illnesses				
Total cases	126.4	12.8	0.4	15.8
Illness categories				
Skin disorders	18.5	1.9	0.0	1.2
Respiratory conditions	10.4	1.1	0.0	1.2
Poisoning	1.7	0.2	0.0	-
Hearing loss	14.0	1.4	0.3	11.3
All other illness cases	81.8	8.3	0.0	2.1

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, 2017 (Numbers in thousands)

Characteristic	Private industry		Furniture and related product manufacturing	
	Number	Rate	Number	Rate
	2017	2017	2017	2017
Injuries and Illnesses				
Total cases	2,811.5	2.8	15.8	4.1
Cases with days away from work, job transfer, or restriction	1,528.0	1.5	9.4	2.4
Cases with days away from work	882.7	0.9	4.1	1.1
Cases with job transfer or restriction	645.3	0.7	5.4	1.4
Other recordable cases	1,283.5	1.3	6.3	1.6
Injuries				
Total cases	2,685.1	2.7	15.1	3.9
Illnesses				
Total cases	126.4	12.8	0.7	17.3
Illness categories				
Skin disorders	18.5	1.9	0.1	1.5
Respiratory conditions	10.4	1.1	0.0	-
Poisoning	1.7	0.2	0.0	-
Hearing loss	14.0	1.4	0.3	7.9
All other illness cases	81.8	8.3	0.3	7.7

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, 2017 (Numbers in thousands)

Characteristic	Private industry		Primary metal manufacturing	
	Number	Rate	Number	Rate
	2017	2017	2017	2017
Injuries and Illnesses				
Total cases	2,811.5	2.8	17.2	4.4
Cases with days away from work, job transfer, or restriction	1,528.0	1.5	10.0	2.5
Cases with days away from work	882.7	0.9	4.4	1.1
Cases with job transfer or restriction	645.3	0.7	5.5	1.4
Other recordable cases	1,283.5	1.3	7.2	1.8
Injuries				
Total cases	2,685.1	2.7	16.0	4.1
Illnesses				
Total cases	126.4	12.8	1.1	28.4
Illness categories				
Skin disorders	18.5	1.9	0.1	2.4
Respiratory conditions	10.4	1.1	0.1	1.8
Poisoning	1.7	0.2	0.0	-
Hearing loss	14.0	1.4	0.7	17.1
All other illness cases	81.8	8.3	0.3	6.8

The Instruction increases the probability of inspecting high hazard industry establishments within jurisdiction of Region VII, with more than ten employees, which have not received a comprehensive OSHA inspection since FY 2016. Thereby, in accordance with Department of Labor’s Strategic Plan, the Instruction addresses OSHA Performance Objective 2.1: “Secure safe and healthful working conditions for America’s workers.”

IX. Inspection Scheduling and Site Selection. Using 2017 BLS data, Area Offices will develop lists of high hazard industries.

A. Safety Inspections

1. Safety High Hazard Industry List. The high hazard safety list contains manufacturing industries classified by their NAICS codes, and is based on industries with the highest DART rates for calendar year 2017 as reported by BLS for industries in Region VII. The list limits evaluation to the three-digit NAICS code in order to identify a broader establishment base. Removed from the list are any three-digit NAICS code for related industries with less than 3,000 workers per state, and establishments with less than ten employees. The Instruction will cover industries ranked one through five on the safety high hazard list (see Appendix A).

Without interfering with completion of a currently active list and based on available site locations on the previously generated list and on available OSHA resources, OSHA may generate a new high hazard list (as described above) at any time within effective dates of the program. In addition, any cycle OSHA began (See paragraph IX. below) but has not completed before generation of a new high hazard list, OSHA must complete within effective dates of the program.

2. Establishments in Safety High Hazard Industries.
 - a. The Directorate of Technical Support and Emergency Management's (DTSEM), Office of Statistical Analysis (OSA) will use most recent Dun & Bradstreet employer list to prepare a primary list of establishments. The list will include establishments whose NAICS codes ranked one through five (Appendix A) on the safety high hazard list for related industries with more than 3,000 workers per state and individual establishments with more than ten employees. OSA will assign random numbers to establishments in accordance with Agency policy. The list of establishments will make up the inspection list. OSHA will inspect all establishments on the primary list before initiating inspections on any secondary list in accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.
 - b. Whenever an Area Office becomes aware of a previously unknown establishment within any of the identified NAICS codes, the Area Office shall add the establishment to the secondary list. The Area Office will place any establishment remaining on the secondary list in alphabetical order. The area will notify the Office of Statistical Analysis (OSA) that the Area Office has added establishments. The OSA will then re randomize the list when notified by the area office.
 - c. The Area Office shall follow procedures set forth in paragraph a. and b. above in accordance with the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: Establishment – Targeting Lists for Emphasis Programs.

- d. Additional information sources that allow an office to become aware of a previously unknown establishment within any of the identified NAICS codes include a revised Dun & Bradstreet employer list and the EPA Enforcement and Compliance History Online (ECHO), <http://echo.epa.gov>
- e. Once an Area Office has selected establishments, it will apply deletions pursuant to the deletions policy set forth in this Instruction, paragraph VIII.C.

B. Health Inspections

1. Health High Hazard Industry List.

The high health hazard list contains industries classified by NAICS code. High hazard health industries are determined using three (3) fiscal years of OSHA inspection data (FY 2016 – FY 2018) from the OIS and calculating the Serious Violation Rate per Inspection (SVPI). OIS will rank the industries (based on OSHA’s inspection history) for workplaces with the highest average number of serious violations per inspection (SVPI) in Region VII. The list limits evaluation to three-digit NAICS code in order to identify a broader establishment base. Removed from the list are any three-digit NAICS code for related industries with less than 3,000 workers per state and establishments with less than ten employees. This Instruction will cover the industries ranked one through five on the health high hazard list (see Appendix B).

2. Without interfering with completing a currently active list, and based on available site locations on this previously generated list and available OSHA resources, the Area Office may generate a new health high hazard list (as described above) at any time within effective dates of the program. In addition, the Area Office must complete any cycle (See paragraph IX below) begun before generation of a new health high hazard list within effective dates of the program.

3. Establishments in Health High Hazard Industries.

- a. The Directorate of Technical Support and Emergency Management’s (DTSEM) Office of Statistical Analysis (OSA), using the most recent Dun & Bradstreet employer list, will prepare a master list of establishments based on NAICS codes ranked one through five (Appendix B) on the health high hazard list. The master list will cover related industries with more than 3,000 workers per state and establishments with more than ten employees. OSA will assign random number to establishments in accordance with Agency policy. This list of establishments makes up the inspection list. The Area Office will inspect all establishments on the Master List before initiating inspections on a new OSA-generated list in accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections.

- b. Whenever an office becomes aware of a previously unknown establishment within any of the identified NAICS codes, the office shall add the establishment to the Master List. Office of Statistical Analysis (OSA) will re randomize the list when notified by the Area Office that they have added establishments.
- c. The Area Office shall follow procedures set forth in paragraph a. and b. above in accordance with the site randomization protocols outlined in the November 12, 2014, OSHA Memorandum: Establishment – Targeting Lists for Emphasis Programs.
- d. Additional information sources that allow an office to become aware of a previously unknown establishment within any of the identified NAICS codes include a revised Dun & Bradstreet employer list and the EPA Enforcement and Compliance History Online (ECHO), <http://echo.epa.gov>.
- e. Once the office selects establishments, the office will make deletions pursuant to the deletions policy set forth in this directive, paragraph VIII.C.

C. Inspection Cycles.

Area Offices will generate inspection cycles from the inspection list. Each cycle will consist of ten to 25 establishments sorted by the assigned random number from lowest to highest. The office must complete each inspection cycle before generating another cycle from that list. An establishment may be carried over to another cycle for any of the reasons set forth in CPL 02-00-025, paragraph B.1.b.(1)(e).1. Prior to initiating each inspection in a cycle, the office will make deletions pursuant to the deletions policy set forth in CPL 02-00-025, as noted above. Subsequent cycle generations shall be in the same manner using cycles of ten establishments each.

D. Deletions.

In accordance with OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, establishments which have had a comprehensive safety and health inspection within the previous three calendar years will be removed from each cycle prior to initiating inspections in the inspection cycles. Deletion criteria in OSHA Instruction CPL 02-00-025, Paragraph B.1.b.(1)(b)6.d., will be applied to the list of establishments with the exception of deletion criteria S# and I#.

X. Inspection Procedures. Schedule the inspections in accordance with Inspection Procedures. Schedule the inspections in accordance with 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.

- A. Each establishment scheduled for inspection shall receive a comprehensive safety and/or health inspection as defined by 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. Establishments with Process Safety Management hazards shall receive an evaluation of hazards in accordance with CPL 03-00-021. Offices will assess and address ergonomic hazards during

every inspection occurring under this program in accordance with OSHA's Ergonomics Enforcement Policy, <https://www.osha.gov/SLTC/ergonomics/faqs.html>.

- B. Inspections conducted under the initiative will address process safety management where 29 CFR 1910.119 applies to the establishment inspected. Such inspections must be part of a comprehensive inspection. However, they will not normally be Program-Quality-Verification (PQV) inspections as defined by OSHA Instruction CPL 02-02-045, Process Safety Management of Highly Hazardous Chemicals – Compliance Guidelines and Enforcement Procedures. If the facility has not already been inspected using the OSHA Instruction, CPL 03-00-021, PSM-Covered Chemical Facilities National Emphasis Program, a concurrent inspection using that NEP may be conducted at the Area Director's discretion.

- C. Other Programmed Inspections.

Area Offices may select establishments for inspection under this initiative and under one or more other OSHA initiatives [National Emphasis (NEP) or Local Emphasis (LEP) Programs)]. Offices can run any emphasis program based on specific hazards (such as ergonomics, silica, amputations, or lead) or specific industry (healthcare or primary metal industries) concurrently with this initiative.

Whenever an Area Office schedules an establishment for inspection on this initiative and on the current cycle of an NEP/LEP plan, the office will schedule the inspection at the same time. Compliance Safety and Health Officials (CSHOs) will apply all applicable OIS codes to the inspection.

- D. The CSHO will expand any unprogrammed inspection or investigation such as a complaint, referral, fatality, etc., to a comprehensive inspection for any establishment that is already included in a generated (but not completed) inspection cycle.

- E. Appropriations Act.

Area Offices will adhere to OSHA Instruction CPL 02-00-51, Exemptions and Limitations under the Current Appropriations Act in implementation of this program.

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

- A. Programmed inspections conducted under this Instruction shall be marked "Planned", "Local Emphasis Program", and "ERGHH".
- B. The office will code "No Inspection" if they arrive at a worksite for a scheduled inspection under this Instruction and discover that the establishment does not qualify for an inspection (e.g., ten or fewer employees, establishment is out of business, etc.). The office must delete the establishment from the list.
- C. Offices will code unprogrammed inspections as normally required under CPL 02-00-163. In addition, CSHOs will record the code "ERGHH" in the Local Emphasis Program field.

- D. Offices will code all consultation activities (requests, visits, and compliance assistance) conducted at sites in SIC/NAICS codes included in this REP with “ERGHH” in the Local Emphasis Program field on appropriate forms.

XII. Outreach. The Regional and Area Offices conducted outreach activities intended to reach as many employers and stakeholders as is practicable. Area Offices conducted outreach activities to raise awareness of hazards associated with targeted high hazard industries identified in the Instruction to inform stakeholders and employers of elements of the REP.

In FY 2016, Area Offices conducted outreach three months prior to initiation of inspections. OSHA educated employers and workers on potential hazards and how to prevent them through educational resources such as those listed below:

- OSHA’s safety and health topics webpage, [*Furniture and Related Products*](#).
- OSHA’s safety and health topics webpage, [*Computer and Electronic Products*](#),
- OSHA’s safety and health topics webpage, [*Silica*](#).
- OSHA’s safety and health topics webpage, [*Toxic Metals*](#).
- OSHA’s safety and health topics webpage, [*Synthetic Mineral Fibers \(Fiberglass\)*](#).
- OSHA’s safety and health topics webpage, [*Metalworking Fluids*](#).
- OSHA’s safety and health topics webpage, [*Welding, Cutting, and Brazing*](#).
- OSHA’s safety and health topics webpage, [*Machine Guarding*](#).
- OSHA’s safety and health topics webpage, [*Woodworking*](#).

Outreach activity discussions for the REP include OSHA speeches, training sessions, and Area Office newsletters. State Consultation Programs is encouraged to participate in local outreach efforts performed by Area Offices.

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 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 - Safety Rankings for 2017

Rank	Industry	NAICS
1	Wood Product Manufacturing	321
2	Food Manufacturing	311
3	Beverage and Tobacco Products Manufacturing	312
4	Furniture and Related Products Manufacturing	337
5	Primary Metal Manufacturing	331

Appendix B - Health Rankings for 2015-2017*

Rank	Industry	NAICS
1	Primary Metal Manufacturing	331
2	Industrial Machinery Manufacturing	333
3	Nonmetallic Mineral Product Manufacturing	327
4	Wood Product manufacturing	321
5	Furniture and Related Products Manufacturing	337

*Health rankings were determined using 2015- 2017 OIS Data.