



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 04-02-2401

SUBJECT: Regional Emphasis Program- Refuse Handlers and Haulers

REGION: II

SIGNATURE DATE: October 1, 2023

EFFECTIVE DATE: October 1, 2023

ABSTRACT

Purpose: This regional instruction continues to implement a Regional Emphasis Program for programmed safety inspections of Waste Management, Recycling Operations and Refuse Haulers (NAICs, 562111, 562112, 562119, 562211, 562212, 562213, 562219 and 562920).

Scope: This instruction applies to all Region II Area Offices.

References:

- A. CPL 02-00-164, Field Operations Manual (FOM), 5/14/2020.
- B. CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs) 10/1/2018.
- C. CPL 02-00-025, Scheduling System for Programmed Inspections, 01/04/1995.
- D. CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.

Cancellations: This instruction cancels Regional Emphasis Program – Warehousing and Refuse Handlers and Haulers, 2019-05 (CPL 2).

State Impact: No Impact

Action Offices: All Region II Area Offices

Originating Office: Office of Regional Administrator

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By and Under the Authority of

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Regional Administrator

Executive Summary

This regional instruction provides guidance to the OSHA Regional and Area Offices when inspecting refuse handlers and haulers. The inspections under this REP will be comprehensive inspections and focus on workplace hazards common to those industries, including struck-by, caught-in, caught-between, and falling-off, various heavy equipment, process equipment, motor vehicles, power industrial trucks, and refuse handling equipment and conveyors.

Significant Changes

None.

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I. Purpose.

This instruction describes policies and procedures for implementing a Regional Emphasis Program (REP) to identify and reduce or eliminate hazards during refuse and hauling operations.

II. Scope.

This instruction applies to all Region II Area Offices.

III. References.

- A. CPL 02-00-164, Field Operations Manual (FOM), 5/14/2020.
- B. CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs) 10/1/2018.
- C. CPL 02-00-025, Scheduling System for Programmed Inspections, 01/04/1995.
- D. CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.

IV. Expiration Date

This instruction expires on September 30, 2028.

EXCEPTION: Any inspection begun prior to September 30, 2028 may continue until its conclusion.

V. Cancellations.

This instruction cancels Regional Emphasis Program – Warehousing and Refuse Handlers and Haulers, 2019-05 (CPL 2).

VI. Action Offices.

A. Responsible Office.

OSHA Region II, NY Regional Office.

B. Action Office.

OSHA Area Offices.

VII. Federal Program Change.

None

VIII. Significant Changes.

None

IX. Background

Employees in the refuse and hauling industry are exposed to many serious safety hazards, including being struck-by, caught-in, caught-between, and falls, heavy equipment, process equipment, motor vehicles, power industrial trucks, and refuse handling equipment and conveyors.

In addition to the permanent employees found at the establishments, recent inspection reports and activity has identified the use of temporary workers. Temporary workers are more vulnerable to workplace safety and health hazards as they are often not given adequate safety and health training, equipment, and explanation of their job tasks and

duties.

Refuse handlers and haulers and recycling data (NAICS Codes 562111, 562112, 562119, 562211, 562212, 562213, 562219, 562920) indicates that workers continue to die in incidents related to refuse collection activities, waste hauling, waste transfer operations and refuse handling, and recycling operations. The number of annual fatalities has remained fairly constant over the years, indicating the need for continuing emphasis on this hazard. Bureau of Labor Statistics reported in 2021, 62 fatalities in waste management and remediation services. In 2021, there were total recordable cases of 3.1 per 100 full time workers, higher than 2.9 per 100 workers reported for all private sector industries.

Since virtually all employers in the above-subject industries are known to use and operate motor vehicles, heavy equipment, power industrial trucks and other power mechanized material handling and equipment, in their material handling and transfer operations; inspections conducted under this REP are expected to help control all above-mentioned hazards associated with such use. The aim of this REP is to reduce the number of occupational injuries and fatalities which result from these exposures.

This emphasis program supports the objective to secure safe and healthful working conditions for America's workers by implementing the OSHA Strategic 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. Procedures

- 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 our National Office of Statistics which includes all refuse handlers and haulers and transfer stations, in the respective Area Office jurisdiction. The Area Director then has the ability to add or delete other sites for inspection based on local knowledge and/or gathered from available sources, i.e.: OIS Data, commercial listings, sightings, and other relevant literature.
- B. When performing programmed inspections under this REP, each Area Office shall develop an inspection master list of establishments. The National Office 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 inspection sites which have had a previous comprehensive safety and health inspection within the past three years will then 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 numbers table 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 Field Operations Manual (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. Any refuse handler and hauler observed not adhering to safety rules will be inspected in accordance with the Imminent Danger and referral procedures.
- F. If the establishments identified by this REP are inspected before they have been reached on the SST list the inspection will be coded as an SST and an REP case.
- G. Establishments for inspection may fall within the scope of the current Appropriations Act. If so, inspection activities must be done and completed in accordance with the directive, CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act.
- H. 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 National Office guidance found on the Temporary Worker Page to conduct these inspections.
- I. Unprogrammed Inspections. Inspections based upon fatalities/catastrophes, complaints, or referrals related to establishments in the NAICS codes covered under this REP shall be expanded to address the workplace hazards targeted by this REP, including being struck-by, caught-in, caught-between, and falling-off various heavy equipment, process equipment, motor vehicles, powered industrial trucks, and refuse handling equipment and conveyors. In addition to the guidelines provided in this REP, the inspections must be handled in accordance with FOM Chapter 9, Complaint and Referral Processing, and Chapter 11, Imminent Danger, Fatality, Catastrophe, and Emergency Response.
- J. OSHA may expand the scope of the inspection when there is information or evidence (e.g. injuries or illnesses recorded in OSHA forms 300 and/or 301, employee statements, employee or union complaints, fatalities, referrals, or “plain view” observations) that violative conditions may be found in other areas of that establishment.

XI. Outreach

During the course of this renewal REP the Area Director will continue to ensure that the ongoing outreach program will remain in effect during the enforcement phase of the program. Outreach activities will continue to be directed to reach as many stake holders in the Area Office's jurisdiction as is practicable. Stakeholders which include groups such as professional organizations, the ASSP, AIHA, Unions, and Chambers of Commerce, will be notified of the existence, purpose and objectives of this emphasis program. The outreach will also promote employer knowledge and employee awareness of the hazards and acceptable methods of abatement to prevent illness and injuries. The method of outreach is at the Area Director's discretion and can consist of one or more of the following components:

- Broadcast mail-outs or program information.
- Stakeholder meetings.
- Targeted training sessions.
- Presentations to the affected group(s).
- Media press release or e-blast

XII. Recording in OIS

Current instructions for completing the appropriate inspection classification boxes on the OSHA Inspection Report, as found in the OIS manual shall be applied when recording inspections conducted under this REP, as follows:

- A. The OSHA Inspection Report for any programmed inspections covered under the Regional Emphasis Program for Refuse Handlers and Haulers shall be marked "Program Planned" in the Initiating Type field, and "REFUSE" in the Regional Emphasis Program field.
- B. REP Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with this REP for Refuse Handlers and Haulers and, waste transfer operations, or recycling operations which are adjacent to refuse 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 "REFUSE" shall be recorded in the Regional Emphasis Program field.
- C. REP Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with this REP for Refuse Handlers and Haulers and, waste transfer operations, or recycling operations which are adjacent to refuse 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 "REFUSE" shall be recorded in the Regional Emphasis Program field.

XIII. Evaluation

- A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.

- B. The RA will ensure that each Region II area office participating in the REP will prepare and submit to EP a program report. The program report is to be conducted at the midpoint and completion of each REP. At the RA's discretion, additional reports may be required, based on the length, complexity, and coverage of the program. The midpoint assessment will take place no later than the end of the fiscal year following the calendar midpoint between the program effective and expiration dates (e.g., 2 ½ years into a 5-year program). The midpoint assessment will allow for revisions to the REP where necessary, along with an assessment of whether continuation of the REP is appropriate.
 - a. The program report will, at a minimum, address whether the REP advances OSHA's goals and initiatives. The program report will address, as appropriate, both quantitative and qualitative measures. Types of measures that may be considered include:
 - i. The number of employees and/or establishments impacted by outreach activities.
 - ii. Number of hazards abated.
 - iii. The number of workers removed from hazards.
 - iv. Impact on illness and injury rates (note: due to lag in available BLS data, this measure may not be suited for shorter termed programs).
 - v. Reductions in the number of complaints or severe injury reports within affected industries, and;
 - vi. Any indices that relate directly to measures included in the DOL Strategic Plan, the OSHA Operating Plan, and/or additional goals of the REP.