



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 02-11-01J | **EFFECTIVE DATE:** October 1, 2018

SUBJECT: Region-wide Local Emphasis Program (LEP) – Work Places with Noise and Respiratory Hazards

REGIONAL IDENTIFIER: Region VII

ABSTRACT

Purpose: To continue a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industries that commonly have noise and respiratory hazards.

Scope: All Region VII Federal Enforcement Offices

References: OSHA Instructions: CPL 02-00-160, CPL 04-00-001, CPL 02-00-025, and CPL 02-00-051

Cancellation: CPL 02-11-01I


State Impact: No Impact

Action Offices: Region VII Federal Enforcement Offices

Originating Office: Kansas City Regional Office – Enforcement Programs

Contact: Assistant Regional Administrator for Enforcement Programs
(816) 283-8745

By and Under the Authority of:


for Kimberly A. Stille
Regional Administrator

Executive Summary

To continue a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industries that commonly have noise and respiratory hazards.

Significant Changes

This Notice cancels OSHA Regional Notice CPL 02-11-01I, Workplaces with Noise and Respiratory Hazards, November 8, 2017.

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I. Purpose.

This Notice continues a Region-wide Local Emphasis Program (LEP) for programmed health inspections of general industry establishments in industries that commonly have occupational noise and respiratory hazards.

II. Scope.

This Notice applies to all Federal Area Offices in Region VII.

III. References.

- A. OSHA Instruction 02-00-160, Field Operations Manual (FOM), August 2, 2016.
- B. OSHA Instruction CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), November 10, 1999.
- C. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, dated January 4, 1995.
- D. OSHA Instruction CPL 02-00-051, Exemptions and Limitations Under the Current Appropriations Act, dated May 28, 1998 and Change dated April 25, 2018 (Appendix A), or most current version.
- E. Memorandum from Thomas Galassi to Regional Administrators on Procedures for Local and Regional Emphasis Programs, December 3, 2014.
- F. Memorandum from Francis Yebesi to Regional Administrators on Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.

IV. Cancellation.

This Notice cancels OSHA Regional Notice CPL 02-11-01I, Workplaces with Noise and Respiratory Hazards, November 8, 2017.

V. Action.

The Regional Administrator and Area Directors shall ensure Area Offices adhere to the procedures established in this Notice when scheduling programmed inspections.

The Assistant Regional Administrator (ARA) for Compliance Assistance Programs shall notify Iowa OSHA of the contents of this Local Emphasis Program (LEP). The ARA for Compliance Assistance Programs shall notify the State Consultation Program Managers in the region of the contents of this LEP.

VI. Expiration Date.

This Notice will expire on September 30, 2019.

VII. 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 the 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 1.6 (2016). The BLS hearing loss rates for the Manufacturing Industry Sector is 10.9 (2015).

Initiation of LEP 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 LEP has effectively outperformed the average of all health inspections from FY 2016-2018. This LEP has realized a Serious, Repeat, or Willful Violation Rate of 75%, which was 6% higher than all health inspections. Expectedly, the Average Violation per Inspection favored this LEP when compared to all other health inspections with 3.1 compared to 2.8 violations per inspection. Inspections conducted under this LEP realized a 5% higher initial penalty and an 8% lower penalty reduction compared to all health inspections. During this period, 27.8 % of hazards cited under this LEP were for violations of the Occupational Noise Exposure standard or Respiratory Protection standard. In health inspections not coded for this LEP, 12.8 % of hazards cited, were for violations of the Occupational Noise Exposure standard or Respiratory Protection standard. This LEP realized a greater percentage of cited hazards of the Occupational Noise Exposure standard and Respiratory Protection standard than other health inspections combined.

This LEP has contributed to personal industrial hygiene sampling in 89 inspections from FY 2016 – 2018. This LEP realized an overexposure to the noise permissible exposure limit (PEL) in 8% of these inspections. This LEP realized an overexposure to respiratory PELs in also 8% of the inspections, to include methylene bisphenyl isocyanate, iron oxide fume, particulates not otherwise regulated (PNOR) total dust, PNOR respirable fraction, copper fume, and hexavalent chromium.

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

VIII. Outreach.

Shortly after the original effective date of this LEP, OSHA Region VII distributed a region-wide news release to the media. This news release informed the affected industries of the existence of this program. In addition, Region VII federal Area Offices will make information about this program available during speeches to any audience with possible connections to the affected industries.

IX. Inspection Targeting.

This LEP continues the targeting established in the initial LEP and its most recent renewals. Using the Industry Profile for OSHA Standard 1910.95 (FY 2018 through September 5, 2018) and the Industry Profile for OSHA Standard 1910.134 (FY 2018 through September

5, 2018) from OSHA's Information System (OIS), Region VII developed a list of NAICS Industry Groups.

A. Health Hazard Industry 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 2018), using the four digit Industry Group NAICS code, was compared to the Industry Profile for OSHA Standard 1910.134 (FY 2018). Six NAICS Industry Group codes were in the top 15 most cited groups for both 1910.95 and 1910.134. This LEP 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 of this directive. This list of establishments makes up the health inspection list.

C. Deletions.

Remove establishments that have had a comprehensive health inspection within the previous thirty-six (36) calendar months from the list prior to initiating inspections in inspection cycles. Deletion criteria applied to the list of establishments, with the exception of deletion criteria H#, I#, S#, and T#, is derived from OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, Paragraph B.1.b.(1)(b)6.d.

X. Inspection Scheduling.

Inspection scheduling shall be in accordance with the FOM. *[NOTE: Cycle generation will be a continuation of the original directive, CPL 02-11-01, dated October 1, 2010, renewal CPL 02-11-01A, dated October 1, 2011, and renewal CPL 02-11-01B, dated October 1, 2012, and will follow the same procedures as set forth herein.]*

A. Inspection Cycles.

Inspection cycle generation is from the health inspection list. Region VII federal Area Offices will place each establishment remaining on the list in alphabetical order and assign a sequential number. Each cycle will consist of five establishments randomly selected by using the most current version of Microsoft Excel's Random Sample Function, i.e., RANDBETWEEN function in Microsoft Excel. To prevent generation of duplicate random numbers for multiple records each time a user opens the file; they shall highlight, copy, and paste into a blank worksheet, as "Values (V)", the entire worksheet. The new worksheet will have each random number saved as a value not a formula, which allows worksheet opening without the possibility of changing the already assigned random numbers. 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.

XI. Inspection Procedures.

- 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 an establishment with a NAICS code in Appendix A, the OSHA Compliance Officer shall conduct sound level meter screenings. Health referrals occur when sound levels exceed OSHA permissible limits. 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.

XII. Recording in OIS.

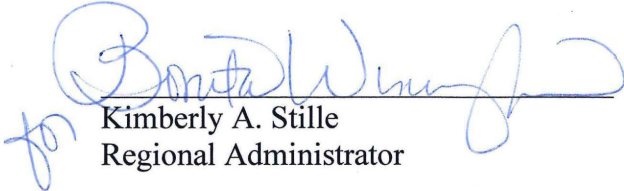
- A. CSHOs shall use current OIS instructions for completing the appropriate inspection classification tabs when recording inspections conducted under the LEP as follows:
 - 1. A programmed inspection conducted under this LEP shall be marked “Planned” and “Local Emphasis Program” “RESPNOISE”.
 - 2. When it is discovered upon arrival at a worksite scheduled for an LEP inspection that the establishment should have been deleted from the list (e.g., establishment is out of business, etc.), “No Inspection” shall be recorded.
 - 3. Coding of unprogrammed inspections related to complaints or referrals requiring inspection, imminent danger, and fatality or catastrophe investigations are required under the FOM. In addition, the designation “RESPNOISE” is necessary in the LEP space.
 - 4. 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 LEP).

XIII. Evaluation.

No later than October 30, the Assistant Regional Administrator for Enforcement Programs (ARA/EP) will prepare a formal written evaluation of this Region-wide LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.

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No later than October 30, the Assistant Regional Administrator for Enforcement Programs (ARA/EP) will prepare a formal written evaluation of this Region-wide LEP in the format specified by OSHA Instruction CPL 04-00-001, Appendix A.


Kimberly A. Stille
Regional Administrator

11/6/2018
(Date)


Concurrence of the Regional Solicitor's Office

11/06/2018
(Date)

Distribution:

Regional Solicitor
Directorate of Enforcement Programs
Regional Administrator
Deputy Regional Administrator
Assistant Regional Administrators
Area Directors
Supervisory Investigator
Field Review Program Coordinator

Appendix A - Health List Common to Both 1910.95 & 1910.134

INDUSTRY CLASSIFICATION	
Industry Group 3219: Other Wood Product Manufacturing	
NAICS Codes	321911, 321912, 321918, 321920, 321991, 321992, 321999
Industry Group 3323: Architectural and Structural Metals Manufacturing	
NAICS Code	332311, 332312, 321918, 321920, 321991, 321992, 321999
Industry Group 3279: Other Nonmetallic Mineral Product Manufacturing	
NAICS Codes	327910, 327991, 327992, 327993, 327999
Industry Group 3328: Coating, Engraving, and Allied Services	
NAICS Codes	332811, 332812, 332813
Industry Group 3329: Other Fabricated Metal Product Manufacturing	
NAICS Codes	332911, 332912, 332913, 332919, 332992, 332996, 332999
Industry Group 3366: Ship and Boat Building	
NAICS Codes	336611, 336612