



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: San Francisco Regional
Instruction CPL 04-00-03

EFFECTIVE DATE: October 1, 2018

SUBJECT: Regional Emphasis Program (REP) for Warehousing Operations

REGIONAL IDENTIFIER: Region IX

ABSTRACT

Purpose: This instruction renews policies and strategies to be followed when scheduling and conducting programmed regional emphasis inspections of warehousing, storage and distribution yard operations in targeted North American Industry Classification System codes (NAICS). This instruction also applies where powered industrial trucks are used in other warehousing, storage and distribution yard operations not in a targeted NAICS code.

References: See paragraph IV.

Cancellation: This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-03, dated October 1, 2017.

Significant Changes: None.

Action Offices: Office of Enforcement Programs (Enforcement)
All Area Offices
Office of Cooperative and State Programs (CSP)

Originating Office: Office of Enforcement Programs

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By and Under the Authority of

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Executive Summary

The total lost workday injury and illness rates for the NAICS codes covered by this instruction are significantly higher than industry average, according to BLS data.

For 2017, the rate of total recordable case rate for all private industry was 2.8 cases per 100 full-time workers. The rates for the industries included in this REP were 5.2 for beverage manufacturing; 5.1 for warehousing and storage; 4.3 for food and beverage stores; 5.2 for grocery wholesalers; and 6.1 for beer, wine, and alcoholic beverage wholesalers.

The operation of powered industrial trucks can lead to serious workplace injuries and/or death. Each year, tens of thousands of forklift-related injuries occur in U.S. workplaces. Common injuries are found to involve employees struck by lift trucks and falling while standing or working from elevated pallets and tines. Employees have been injured when lift trucks are driven off loading docks or when the lift falls between a dock and an un-chocked trailer. Many employee injuries can be attributed to lack of procedures, lack of or inadequate training, and lack of safety-rule enforcement.

This instruction renews policies and strategies to be followed when scheduling and conducting programmed regional emphasis inspections of warehousing, storage and distribution yard operations in targeted North American Industry Classification System codes (NAICS). Establishments where powered industrial trucks are used in other warehousing, storage and distribution yard operations not in a targeted NAICS code will also be included in this scheduling system.

This REP is intended to reduce injury/illness rates in the warehousing industry by conducting comprehensive inspections to address hazards that may include those associated with powered industrial trucks, life safety, means of egress and fire suppression.

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Appendix A: Inspection List

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I. Purpose.

This instruction renews policies and strategies to be followed when scheduling and conducting programmed regional emphasis inspections of warehousing, storage and distribution yard operations in targeted North American Industry Classification System codes (NAICS). Establishments where powered industrial trucks are used in other warehousing, storage and distribution yard operations not in a targeted NAICS code will also be included in this scheduling system.

This REP is intended to reduce injury/illness rates in the warehousing industry by conducting comprehensive inspections to address hazards that may include those associated with powered industrial trucks, life safety, means of egress and fire suppression.

II. Scope.

This instruction applies to areas of Federal jurisdiction in Region IX and is limited to warehousing and inside or outside storage and distribution yards in Arizona, California, Hawaii, Nevada, American Samoa, Guam, and the Northern Mariana Islands, including those located at Federal agencies, Federal installations and Tribal lands in Region IX's jurisdiction. This REP will apply to warehousing, storage and distribution yard operations with emphasis on the following NAICS codes:

- Manufacturing: Bottled and Canned Soft Drinks and Water – 312111 and 312112
- Transportation: Refrigerated Warehousing and Storage – 493120
- Transportation: General Warehousing and Storage – 493110
- Wholesale Trade: Groceries – 445110
- Wholesale Trade: Meat and Meat Products – 424470 and 445210
- Wholesale Trade: Groceries and Related Products – 424490 and 445299
- Wholesale Trade: Beer & Ale – 424810

This instruction will also apply to warehousing, storage and distribution yard operations where powered industrial trucks are used.

III. Limitations and Exemptions.

This instruction will NOT be applied to marine terminals or shipyards. All inspections will be conducted in accordance with CPL 02-00-051, which lists the enforcement exemptions and limitations under the Appropriations Act.

IV. References.

A. OSHA Instruction CPL 02-00-160, August 2, 2016, Field Operations Manual

- B. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections
- C. OSHA Instruction CPL 02-00-051, May 28, 1998, Enforcement Exemptions and Limitations under the Appropriations Act (Appendix A updated annually)
- D. OSHA Instruction CPL 04-00-002, November 13, 2018, Procedures for the Approval of Local Emphasis Programs (LEPs)
- E. Memorandum dated December 3, 2014 on Procedures for Local and Regional Emphasis Programs.
- F. Memorandum dated November 12, 2014, on Establishment-Targeting Lists for Emphasis Programs.

V. Cancellation.

Region IX Enforcement Programs Notice CPL 04-00-03, dated October 1, 2017.

VI. Expiration.

This REP will expire no later than five years from the date of implementation, unless renewed.

VII. Action.

OSHA compliance personnel will ensure the procedures contained in this instruction are followed in scheduling and conducting inspections under the REP.

VIII. Definitions.

- A. Programmed Inspections: Programmed inspections are those inspections scheduled based upon objective or neutral selection criteria.
- B. Unprogrammed Inspections: Unprogrammed inspections are conducted in response to reports of imminent dangers, fatalities/catastrophes, complaints, or referrals. This type of inspection also includes follow-up and monitoring inspections.

IX. Background.

The total lost workday injury and illness rates for the NAICS codes covered by this instruction are significantly higher than industry average, according to BLS data.

For 2017, the rate of total recordable case rate for all private industry was 2.8 cases per 100 full-time workers. The rates for the industries included in this REP were 5.2 for beverage manufacturing; 5.1 for warehousing and storage; 4.3 for food and beverage

stores; 5.2 for grocery wholesalers; and 6.1 for beer, wine, and alcoholic beverage wholesalers.

The operation of powered industrial trucks can lead to serious workplace injuries and/or death. Each year, tens of thousands of forklift-related injuries occur in U.S. workplaces. Common injuries are found to involve employees struck by lift trucks and falling while standing or working from elevated pallets and tines. Employees have been injured when lift trucks are driven off loading docks or when the lift falls between a dock and an unchocked trailer. Many employee injuries can be attributed to lack of procedures, lack of or inadequate training, and lack of safety-rule enforcement.

X. Selection and Scheduling of Sites for Inspection.

Inspections conducted under this regional emphasis program shall be scheduled as follows:

- A. A scheduling list will be developed by each Area Office through site surveys, local government sources, telephone directories, trade manuals and other available sources, and will be updated as necessary. The list will contain inspection locations within the Area Office's jurisdiction. These lists will be maintained as Appendix A to this instruction and filed electronically on the regional shared drive. To the extent possible, for each location the AO will maintain a list of specific establishments in Federal OSHA's jurisdiction which fall under the scope of this REP. CSHOs assigned to conduct inspections in a location will notify the Area Director of establishments which are no longer in business, or previously unidentified establishments which fall under this REP, so that the list may be updated. Establishments conducting warehousing, storage and distribution yard operations listed in Appendix A may be inspected on an annual basis.
- B. The locations listed in Appendix A will include those with known sites that are engaged in businesses consistent with the NAICS codes listed in Section II and other identified warehouse and distribution yards in other NAICS codes. It will be the responsibility of the compliance officer to determine the correct NAICS code for the establishment and how to apply this instruction.
- C. Locations will be scheduled for inspection based on the procedures outlined in Appendix B. No more than one programmed inspection will be conducted at each establishment at each site every 12 months, although additional unprogrammed inspections, including follow-ups, may be conducted.
- D. Unprogrammed inspections will be initiated as a result of reports of imminent dangers, fatalities, catastrophes, complaints, referrals from other agencies or media reports, in accordance with the FOM. Unprogrammed inspections are not taken into consideration in scheduling of programmed inspections.

XI. Conduct of Inspections.

- A. All inspections will be comprehensive.
- B. Compliance officers will review the establishment's injury and illness records for compliance with 29 CFR 1904.
- C. All powered industrial trucks and related programs will be inspected and evaluated.
- D. Inspections will also emphasize identification of hazards related to the life safety code, means of egress and fire suppression.
- E. All inspections will be conducted in accordance with CPL 02-00-051, which lists exemptions and limitations under the Appropriations Act.

XII. Focus of Inspections.

- A. Compliance officers will evaluate compliance with the powered industrial truck standard 29 CFR 1910.178. Emphasis will be placed on powered industrial truck procedures, training, safety-rule enforcement, and maintenance of vehicles.
- B. Compliance officers should pay special attention to hazards related to life safety code violations, including means of egress and fire suppression.

XIII. Coding:

- A. Inspections scheduled under this REP, and unprogrammed inspections addressing the industries and hazards targeted by this REP, shall have the REP code FORKLIFT entered as the primary emphasis code.
- B. Any other applicable REP or NEP code may be entered as a non-primary emphasis code.
- C. Inspections scheduled under other programs, which also address the industries and hazards targeted by this REP, shall have the FORKLIFT code entered as a non-primary emphasis code.

XIV. Evaluation.

- A. At the midpoint of the effective period of this REP (two and a half years from the implementation date) and at the end of the effective period, evaluation reports will be completed that shall include the following elements:
 - 1. The goal of the program.
 - 2. A determination of how effective the program was in meeting its goal.

3. Data and information to support the conclusions stated in the goal, including enforcement statistics.
 4. Statement of whether the program should be continued, accompanied by a brief rationale.
 5. Description of any legal issues that arose which would necessitate a review by the Solicitor before renewal of the program could be approved.
 6. Any other comments or recommendations, including findings which might have an impact on how OSHA or the industry does business.
- B. This evaluation shall be submitted to the Regional Administrator for review, at which time a decision will be made to continue, amend, renew or discontinue the REP.

XV. Outreach:

The Assistant Regional Administrator for Cooperative and State Programs and the Assistant Regional Administrator for Enforcement Programs will ensure the Area Directors and all Outreach staff are familiar with this directive and actively promote the REP when conducting outreach sessions and meetings. Hazards, work practices, and machinery associated with forklift use and warehousing operations and covered by this REP will be pointed out and discussed during outreach sessions and meetings. Handouts and publications that address these hazards, which are already developed and available, will be provided at outreach sessions and meetings. A copy of this REP will be provided to interested parties upon request.

San Francisco Regional Instruction CPL 04-00-03
APPENDIX A
Lists of Warehousing Sites for Inspection Scheduling
by Area Office

Procedures for Scheduling Inspections

1. The Area Office will maintain a master list of locations with establishments eligible for inspection under this REP. The master list, all additions and deletions, the randomized list, and scheduling cycles created for this REP, shall be filed electronically on the regional shared drive and retained for three years.
 - a. Additions may be made to the master list based on local knowledge or other factors, including OSHA inspection history.
 - i. This should include annual OIS searches for establishments which have been coded with a secondary code, or under a related program. For example, a site that was inspected under the AMPUTATE REP may have led to citations for hazards related to forklift operation. This inspection could be coded with FORKLIFT as a secondary code, and should be added to the FORKLIFT list for the following year.
 - ii. ADs should cross-reference these lists, and CSHOs should check establishment history on OIS, to make sure that sites which are placed on multiple lists are not subject to multiple inspections within a 12-month period.
 - b. Establishments shall be deleted from the master list if, during the course of an inspection, it is determined that the site no longer falls within the parameters of the REP. This would primarily apply to sites which no longer perform the process or use the equipment targeted by the REP.
 - c. All additions and deletions must be documented.
2. At the beginning of each fiscal year (or on the REP's effective date), the Area Office shall create a randomly numbered list of all locations on the master list. Locations shall be randomly ordered using the RANDBETWEEN function in Excel. AOs may also send their master list to EP for randomization.
3. If all locations on the master list are to be inspected during the fiscal year, the locations may be inspected in any order. If an Area Office is not able to complete all inspection locations on the master list within a fiscal year, the Area Office will complete the list as soon as possible in the first quarter of the next fiscal year, and shall develop and follow scheduling cycles for the remainder of that year and in subsequent years.
4. The Area Office will create scheduling cycles by selecting a number of locations from the randomized master list. All scheduling cycles shall be filed electronically on the regional shared drive.

- a. Locations selected in a cycle can be inspected in any order, but the Area Office should take into account that all establishments in a location should be completed before another location is inspected, and all locations must be completed before another cycle is created. Area Offices should take into account programming goals and available resources when setting the size of a cycle.
- b. To the extent possible, new cycles should be selected at least once per quarter. Cycles may be run more often if necessary. An uncompleted cycle may be carried over into the next quarter, but the Area Office should take this into account and adjust the number selected for subsequent cycles accordingly.
- c. Selected locations, or establishments within that location, may be deferred to the next cycle if the sites within that location have been subject to comprehensive programmed inspection (under this or any REP) within the previous 12 months, or if the process to be inspected is not active. All deferrals must be documented. Additional criteria for deferral include:
 - i. Necessary equipment or personnel with necessary experience are not available to perform the inspection.
 - ii. The location is the last remaining location in a cycle, the inspection would require travel in excess of 50 miles, and it cannot be combined with other inspection activity.
 - iii. The establishment was cited as the result of a previous comprehensive inspection, and the final abatement date has not yet passed.
 - iv. The establishment has contested a previous citation and it is still pending before the Review Commission.

Approval for deferrals based on reasons other than those listed must be discussed with and approved by the ARA for EP.