



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

**DIRECTIVE NUMBER:** San Francisco Regional  
Instruction CPL 04-00-11

**EFFECTIVE DATE:** October 1, 2018

**SUBJECT:** Regional Emphasis Program for Hotels, Casinos and/or Casino Hotels

**REGIONAL IDENTIFIER:** Region IX

## ABSTRACT

- Purpose:** This renews a Regional Emphasis Program (REP) for programmed inspections of hotels, casinos and/or casino hotels in Federal jurisdiction. This instruction covers all establishments which are under Federal OSHA's jurisdiction in Region IX.
- References:** See Paragraph III.
- Cancellation:** This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-011, dated October 1, 2017.
- Significant Changes:** None.
- Action Offices:** Office of Enforcement Programs  
All Area Offices  
Office of Cooperative and State Programs
- Originating Office:** Office of Enforcement Programs
- Contact:** Paul Leary  
Assistant Regional Administrator, Enforcement Programs

By and Under the Authority of

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Regional Administrator

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## Executive Summary

Hotels (NAICS Code 721110), Casinos (NAICS code 713210), and Casino Hotels (NAICS code 721120) are comprised of establishments that provide lodging and/or gambling amusement. These worksites are found on Native American lands, in National Parks and Forests, on Military Bases, and in the Pacific Territories. These sites include relatively hazardous activities such as sheet metal shops, carpenter shops, vehicle maintenance shops, electrical shops, water treatment plants, power generation plants, landscaping operations, and housekeeping and laundry services.

Nationally, the published 2017 injury and illness rates for NAICS Code 721110 hotels, NAICS code 713200 casinos, and NAICS code 72112 casino hotels, are above the national averages for injuries or illnesses resulting in Days Away From Work, Restricted Work Activity, or Job Transfer for every 100 full-time workers (known as the DART rate) and for the total case rate (TCR). See table below.

<b>NAICS Code</b>	<b>TCR</b>	<b>DART</b>
<b>All Private Industry</b>	2.8	1.5
<b>721110</b>	4.5	2.6
<b>713200</b>	3.4	1.9
<b>721120</b>	3.8	2.0

The purpose and intent of this instruction is to provide an inspection scheduling system to cover high-hazard activities within the context of current law and OSHA policy. Safety and health programmed inspections of hotels, casinos, and casino hotels are to be scheduled using this instruction.

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Appendix A: Hotel, Casino, and Casino-Hotel Sites in Federal Jurisdiction

Appendix B: Procedures for Scheduling Inspections

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**I. Purpose:**

This instruction renews a Regional Emphasis Program (REP) for inspections of hotels, casinos and casino hotels within areas of federal jurisdiction in Region IX. The intent of this instruction is to reduce employee exposure to hazardous conditions, and to prevent injuries and illnesses and fatalities in this industry which has high BLS rates.

**II. Scope:**

This instruction applies to all areas of federal enforcement in Region IX.

**III. References:**

- A. OSHA Field Operations Manual, CPL 02-00-160, august 2, 2016.
- B. OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995.
- C. OSHA Instruction CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act (Appendix A updated annually).
- D. OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs, effective November 13, 2018.
- 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.

**IV. Cancellation:**

This instruction cancels Region IX Enforcement Programs Notice CPL 04-00-011, dated October 1, 2017.

**V. Expiration:**

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

**VI. Background:**

It is OSHA policy that programmed inspections be conducted primarily in high-hazard sectors of employment. For purposes of scheduling programmed inspections, hotels, casinos, and casino hotels are considered a high-hazard industry.

For purposes of this REP, hotels, casinos, and casino hotels are employers engaged in offering hotel accommodations and/or table wagering games along with other gambling, such as slot machines and sport betting. These establishments often provide food and beverage services, golfing and other recreational activities.

**VII. Procedures:**

The following procedures shall be followed when scheduling and inspecting work sites under this program.

A. Establishment List

The hotel and casino inspection program implemented by the AOs will focus on hotels, casinos, or casino hotels and shall be limited to the following NAICS codes:

1. NAICS 713210 – Casinos
2. NAICS 721120 – Casino Hotels
3. NAICS 721110 – Hotels without Casinos

Each Area Office will develop a list of hotels, casinos, and casino hotels in the AO's jurisdiction, based on information sources such as prior inspection history, business directories, industry advertisements and local knowledge. This list is included as appendix A, and will be filed electronically on the regional shared drive.

B. Site Selection

Sites will be selected and scheduled using the procedures in Appendix B.

C. Inspection Procedures

1. Programmed inspections initiated under this REP shall be conducted in accordance with the FOM.

2. Each employer on the targeted list shall be scheduled for a programmed inspection during the cycle except where the Area Office documents that:
  - a. A substantially complete inspection of the employer has been conducted within the previous 12 months, or
  - b. The employer has been approved for exemption from inspection through participation in the Voluntary Protection Program.
3. Casino and casino hotel operations at each targeted site may be inspected no more than once during the inspection cycle, except for unprogrammed activity such as complaints, accidents, follow-ups, or if the employer has operations in more than one location on the target list.

D. Focus of Inspections

1. Although programmed inspections may be comprehensive, primary inspection efforts should be placed on significant hazards that are likely to cause death or serious injury. Typically, this will include the hazards present in the following areas:
  - a. sheet metal shops
  - b. carpenter shops
  - c. vehicle maintenance shops
  - d. electrical shops
  - e. water treatment plants
  - f. power generation plants
  - g. landscaping operations
  - h. housekeeping and laundry services
2. Minimal time will be spent on in-compliance inspections.

**VIII. Program 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.

**VIII. Coding:**

- A. All inspections scheduled under this REP shall be marked with the primary emphasis code CASINO9.
- B. Unprogrammed inspections or inspections covered under other scheduling systems which also cover the industries targeted by this REP shall have CASINO9 entered as a non-primary emphasis code.
- C. Any other applicable REP or NEP code may be entered as a non-primary emphasis code.
- D. All other coding should be in accordance with relevant instructions and directives.



**IX. 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 this industry 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.

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**Appendix A**

**Hotel, Casino, and Casino Hotel Sites in Federal Jurisdiction**

**(separate lists to be created for each Area Office)**

### **Procedures for Scheduling Inspections**

1. The Area Office will maintain a master list of sites 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 FORKLIFT REP may have led to citations for amputation hazards. This inspection could be coded with AMPUTATE as a secondary code or with the AMPUTATIONS Strategic Plan code, and should be added to the AMPUTATE 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 sites on the master list. Sites shall be randomly ordered using the RANDBETWEEN function in Excel. AOs may also send their master list to EP for randomization.
3. If all sites on the master list are to be inspected during the fiscal year, the sites may be inspected in any order. If an Area Office is not able to complete all inspections 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 establishments from the randomized master list. All scheduling cycles shall be filed electronically on the regional shared drive.

- a. Establishments selected in a cycle can be inspected in any order, but the Area Office should take into account that all establishments in a cycle 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 establishments may be deferred to the next cycle if the site has been subject to a 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 establishment is the last remaining establishment 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.