



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 23/02 (CPL 04)

SUBJECT: Regional Emphasis Program (REP) for Landscaping and Horticultural Services

REGION: Atlanta - Region IV

SIGNATURE DATE: October 20, 2023

EFFECTIVE DATE: October 20, 2023

ABSTRACT

Purpose: The purpose of this instruction is to renew a Regional emphasis program to reduce workplace fatalities in the Landscaping and Horticultural Services industry (NAICS 561730), Landscape Architectural Services (NAICS 541320), and Other Scientific and Technical Consulting Services (NAICS 541690).

Scope: This instruction applies to all Region IV Federal Offices.

References: [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995
[OSHA Instruction CPL 04-00-002, Procedures for the Approval of Local Emphasis Programs \(LEPs\)](#), November 13, 2018
[OSHA Instruction CPL 02-00-163, Field Operations Manual \(FOM\)](#), September 13, 2019

Cancellations: CPL 20/02, October 1, 2019. This Instruction updates and replaces an earlier version.

State Impact: No Impact

Action Offices: All Region IV Federal Area Offices

Originating Office: Atlanta Regional Office

Contact: Assistant Regional Administrator for Enforcement Programs

By and Under the Authority of

KURT A. PETERMEYER
Regional Administrator

Executive Summary

The purpose of this instruction is to renew a Regional Emphasis Program to reduce workplace fatalities in the Landscaping and Horticultural Services industry (NAICS 561730), Landscape Architectural Services (NAICS 541320), and Other Scientific and Technical Consulting Services (NAICS 541690).

Significant Changes

None. Continuation of REP only.

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- I. Purpose.
To reduce the fatal accidents rate for Landscaping and Horticultural Services. This instruction renews a Regional Emphasis Program (REP) reduce workplace fatalities in the Landscaping and Horticultural Services industry (NAICS 561730), Landscape Architectural Services (NAICS 541320), and Other Scientific and Technical Consulting Services NAICS 541690).
- II. Scope.
This instruction applies to all Region IV Federal Area Offices.
- III. References.
 - A. U. S. Census Bureau's 2002 Economics Census: Table 1, Advance Summary Statistics for the United States
 - B. U. S. Department of Labor, Bureau of Labor Statistics: Fatal Occupational Injuries 2002
 - C. OSHA's Industry Profile for Industry Group 078, Landscape and Horticultural Services
 - D. OSHA's IMIS Micro to Host Reports: Special Fatality Reports for SIC Code Ranges: 0781-0783, October 1, 1997 to September 30, 2003
 - E. [OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections](#), January 4, 1995.
 - F. [OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs \(LEPs\)](#), November 13 2018
 - G. [OSHA Instruction CPL 02-00-163, Field Operations Manual \(FOM\)](#), September 13, 2019
 - H. U. S. Department of Labor, Bureau of Labor Statistics: Occupational Injuries/Illnesses and Fatal Injuries Profiles – Landscaping services
- IV. Cancellations.
 - A. This replaces the previous REP (CPL 20/02).
- V. Expiration.
This instruction expires within four years of the effective date, unless extended.
- VI. Action Offices.
 - A. Responsible Office.
Atlanta Regional Office – Enforcement Programs.
 - B. Action Office.
All Region IV Federal Area Offices.
- VII. Federal Program Change.
None.
- VIII. Significant Changes.
None.
- IX. Background

Landscaping activities include mowing lawns; weed trimming; planting flowers, shrubs and trees; and trimming hedges and trees. Landscaping businesses will often fertilize plants and grounds, as well. Employees are exposed to multiple hazards when performing these activities, such as, falls, electrical, struck-by, etc. Employees can be injured or killed when utilizing landscaping equipment, e.g., mowing with zero-turn lawnmowers on slopes or trimming trees near overhead power lines.

From FY-17 to FY-22, Federal and State OSHA investigated 356 worksites which provided landscaping services. For this period, there are 72 fatal landscaping accidents listed for Region IV. Of these 72 fatal accidents, 68 of them occurred in the four federal OSHA enforcement states, Alabama, Florida, Georgia, and Mississippi. In these four states, the majority of the accidents occurred in Florida, 70.5%.

According to 2021 BLS data, the total incidence rate in Landscaping Services (3.2) was 1.19 times more than all of Private Industry (2.7). Additionally, the rate for cases with days away from work, job transfer, or restriction (2.0) was 1.18 times more than all of Private Industry (1.7). Further, 226 of the 356 building and grounds cleaning and maintenance worker deaths occurred in landscaping services. Of the 680 fatalities that resulted from falls to a lower level, 9.6% occurred in landscaping services.

In FY-22, Region IV conducted 68 inspections of landscaping operations, and 16 of those were fatality investigations. Region IV also investigated 9 employer reported referrals. Of the 42 inspections with violations, 95.45% of them resulted in serious violations. Additionally, 77.94% of all violations were determined to be serious.

X. Procedures

Compliance Safety and Health Officers (CSHO) shall, while traveling during the course of their workday, be watchful for work activities where employees may be exposed to hazardous conditions while doing landscape/horticultural type work. The compliance officer seeing such work activity shall attempt to contact the area office to obtain authorization from the Area Director or Team Leader to begin an immediate inspection/intervention. Approval to start an inspection/intervention will normally be granted to the CSHO provided that this activity does not conflict with higher priority inspection activity.

If the CSHO has no readily available means to contact the area office or is otherwise unable to reach area office personnel who can authorize the inspection/intervention, the CSHO will initiate either a limited scope inspection or an intervention provided this

activity will not interfere with higher priority inspections or assignments. The CSHO will give highest priority to preventing further employee exposure to the hazards observed. The CSHO shall notify the area office management of the inspection/intervention as soon as possible.

Whenever an inspection is begun under this REP, the CSHO will include in the case file narrative a description of the circumstances which resulted in discovery of the work activity that was the basis of the inspection. In cases where authorization was not obtained, an explanation shall be included as to the circumstances.

XI. Recording in OIS

Current instructions for completing the appropriate OSHA forms shall be applied when recording inspections under this REP.

- A. The Inspection Form, under the Inspection Type Tab for a programmed inspection conducted under this regional emphasis program shall be marked "Planned" and "Local Emphasis Program". The CSHO shall record "LANDSCPE" from the LEP drop down menu for proper coding. CSHO self-referrals are to be recorded as programmed inspections. Complaints, referrals from sources such as police departments or fire departments, fatality/catastrophe, and follow-up inspections shall be appropriately recorded as unprogrammed inspection activity, marked "Local Emphasis Program" and coded "LANDSCPE".
- B. Upon entry, if it is determined the employees are not exposed to hazards and/or adequate precautions were taken to protect employees, the Inspection Form shall be coded "no inspection". The Inspection Form shall also be coded as described in paragraph VIII. A. and a brief statement shall be included with the case file to explain why an inspection was attempted and the circumstances resulting in a "No Inspection" occurring. In addition, a Compliance Assistance Activity Form will be completed to account for the Compliance Assistance time spent on site with the employer. A copy of the completed Compliance Assistance Activity Form must be placed in the case file for future reference. Area Directors shall account for all intervention activities by generating a report that lists the Compliance Assistance Activity Form related to this Regional Emphasis Program.

XII. Outreach

Each Area Director will ensure that outreach activities are conducted to reach as many stakeholders as possible. Outreach is for the purpose of informing interested parties of the existence, purpose and objectives of this regional emphasis program, as well as to promote employer and employee awareness of hazards associated with landscaping.

XIII. Evaluation

An evaluation of the program will be conducted midway through and at the completion of the effective period that addresses whether the program advances OSHA's goals and initiatives and will include quantitative and qualitative measures.