



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2 02-00-022C

SUBJECT: Regional Emphasis Program for Safety & Health Hazards in the Manufacture of Fabricated Metal Products

REGION: Region VI

SIGNATURE DATE: June 26, 2024

EFFECTIVE DATE: July 1, 2024

ABSTRACT

Purpose: This Notice renews a Regional Emphasis Program (REP) for the purpose of conducting inspections in the industries of fabricated metal products within the jurisdiction of Area Offices in Dallas Region VI. The employers to be targeted are in the Fabricated Metal Products Manufacturing industries (NAICS Code Major Group 332 Fabricated Metal Product Manufacturing).

Scope: This Notice applies to all worksites in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under Federal OSHA jurisdiction.

References: OSHA Instruction CPL 04-00-002
OSHA Instruction CPL 02-00-164
OSHA Instruction CPL 02-00-025
OSHA Instruction CPL 02-00-051
OSHA Instruction CPL 02-01-064

Cancellations: Region VI Regional Notice CPL 2 02-00-022B, dated October 1, 2019, Regional Emphasis Program for the Manufacture of Fabricated Metal Products.

State Impact: Region VI 21(d) Consultation Project Offices in Arkansas, Louisiana, Oklahoma, New Mexico, and Texas will provide outreach, consultation services, and training to affected employers as requested.

Action Offices: Area Offices in Region VI
Consultation Project Offices in Arkansas, Louisiana, Oklahoma, New Mexico, and Texas Dallas Regional Office

Information Office: New Mexico Occupational Health and Safety Bureau

Originating Office: Dallas Regional Office

Contact: Assistant Regional Administrator for
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By and Under the Authority of

ERIC S. HARBIN
Regional Administrator

Executive Summary

This notice updates and revises a Regional Emphasis Program (REP) for the purpose of conducting inspections of Fabricated Metal Products industry activities within the jurisdiction of the Area Offices in Region VI. The employers to be targeted are in the Fabricated Metal Product Manufacturing industries (NAICS Code Major Group 332).

Significant Changes

Bureau of Labor Statistics incidence rates table updated using Table 1 and Table 2 for the respective years.

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I. Purpose.

This notice renews a Regional Emphasis Program (REP) for the purpose of conducting inspections of Fabricated Metal Products industry activities within the jurisdiction of the Area Offices in Region VI. The employers to be targeted are in the Fabricated Metal Product Manufacturing industries (NAICS Code Major Group 332).

II. Scope.

This instruction applies to all Area Offices in Region VI and those worksites in New Mexico that are under Federal jurisdiction.

III. References.

- A. OSHA Instruction CPL 04-00-002, November 13, 2018, Procedures for Approval of Local Emphasis Programs (“LEPs”) or current update.
- B. OSHA Instruction CPL 02-00-164, April 14, 2020, Field Operations Manual (FOM) or current update.
- C. OSHA Instruction CPL 02-00-025, January 4, 1995, Scheduling System for Programmed Inspections, or current update.
- D. OSHA Instruction CPL 02-00-051, February 13, 2023, Enforcement Exemptions and Limitations Under the Appropriations Act or current update.
- E. OSHA Standards at Subpart O, Machinery and Machine Guarding.
- F. OSHA Standards at Subpart P, Hand and Portable Powered Tools & Other Hand-Held Equipment.
- G. OSHA Publication 3157, A Guide for Protecting Workers from Woodworking Hazards.
- H. OSHA Technical Links Web Page, Machine Guarding, <https://www.osha.gov/SLTC/etools/machineguarding/index.html>
- I. OSHA Instruction CPL 02-01-064, Site Specific Targeting (SST), February 7, 2023, or current update.
- J. OSHA Instruction CPL 03-00-022, December 10, 2019, National Emphasis Program on Amputations, or current update.
- K. OSHA Standards at Subpart Z, Toxic and Hazardous Substances
- L. U.S. Bureau of Labor Statistics (BLS), Survey of Occupational Injuries and Illnesses

December 2022 and December 2023.

IV. Cancellations.

Region VI Regional Notice CPL 2 02-00-022B, dated October 1, 2019, Regional Emphasis Program for the Manufacture of Fabricated Metal Products.

V. Action Offices.

A. Responsible Office.

Dallas Regional Office

B. Action Office.

Area Offices in Region VI

Consultation Project Offices in Arkansas, Louisiana, Oklahoma, New Mexico, and Texas Dallas Regional Office

C. Information Offices.

New Mexico Occupational Health and Safety Bureau

VI. Significant Changes.

A. Update OSHA Information System inspection numbers.

B. Update Bureau of Labor Statistics Table 1 and Table 2

VII. Expiration.

This Notice expires on December 31, 2027, but may be renewed as necessary.

VIII. Background.

Due to the nature of metal fabrication operations, there is a high probability of employee exposure to unguarded machinery and power tools, electrical hazards, lockout/tagout hazards, hazardous and/or toxic chemicals, noise, silica, confined spaces, welding fumes, flammable liquids, lead, cadmium, etc. Inspections conducted in this type of industry have identified hazardous conditions related to, but are not limited to machine guarding, lockout/tagout, electrical installations, chemical handling, high noise exposure, flammable liquid storage, air contaminants, ventilation, and respiratory protection due to exposures to various chemicals listed in Toxic and Hazardous Substances (Subpart Z). The need for an effective safety and health program is essential in metal fabrication operations.

During FY 2023, Region VI conducted 135 inspections under this REP including one fatality inspection. These inspections resulted in the issuance of 303 violations with penalties totaling \$1,674,664.00. The most frequently cited standards were related to machine guarding, portable fire extinguishers, recordkeeping, lockout tagout, respiratory protection, guarding portable power tools, and hazard communication for chemicals.

In summary, there is strong evidence that workers in the fabricated metal industry are at greater risk of suffering a work-related injury, and that the extent of the problem may be far greater than the elevated risk reported by employers and seen in the BLS data. BLS data also indicates that the workers in the fabricated metal industry have more illness than in private industry, especially concerning hearing loss.

Number and rate of nonfatal occupational injuries and illnesses by selected industry, All U.S., private industry, (Incidence rate per ten thousand full time workers)								
	2021				2022			
Characteristic	Private industry		Fabricated Metal		Private industry		Fabricated Metal	
	Number	Rate	Number	Rate	Number	Rate	Num	Rate
Injuries and Illnesses								
Total cases	2607.9	2.7	48.8	3.6	3504.6	2.7	51.2	3.7
Cases with days away from work job transfer or	1617.3	1.7	27.0	2.0	1761.9	1.7	28.0	2.0
Cases with days away from work	1062.7	1.1	15.5	1.2	1184.2	1.2	14.5	1.1
Cases with job transfer or restriction	554.6	0.6	11.5	0.9	577.7	0.6	13.4	1.0
Other recordable cases	990.7	1.0	21.8	1.6	1042.3	1.0	23.2	1.7
Illnesses								
Total cases	365.2	37.7	3.8	28.1	460.7	45.2	3.3	23.8
Illness categories								
Skin disorders	11.7	1.2	.2	1.7	12.3	1.2	0.4	2.6
Respiratory	269.6	27.8	1.2	9.2	365.0	35.8	.9	6.4
Poisoning	1.2	0.1	-	-	1.1	0.1	-	0.2
Hearing loss	12.0	1.2	1.3	9.8	13.1	1.3	1.1	7.8
All other illness	70.8	7.3	1.0	7.2	69.2	6.8	0.9	6.8

IX. Enforcement.

- A. The metal fabrication establishment list will consist of all establishments that have been developed from the latest list from the Office of Statistics for Major Group NAICS 332.
- B. The following rules will apply to scheduling Fabricated Metal Product inspections:
 - 1. The metal fabrication establishment list will consist of all establishments that were developed from the latest list from the Office of Statistics for Major Group NAICS 332 or from locally acquired methods such as local phone books, trade associations, etc.
 - 2. Any establishment that has received a comprehensive inspection after October 1, 2022, may be deleted from the list. Establishments must be crossed referenced for listing on the Amputation NEP, Site-Specific Targeting (SST) plan, and other emphasis programs. Establishments may have multiple emphasis area inspection activity combined into a current inspection to avoid burdening employers with multiple separate inspections. The Area Office shall state in writing the basis for any deletions from the inspections list.
 - 3. The establishment list will be arranged alphabetically and numbered consecutively from one to the last numbered establishment.
 - 4. Random numbers will be applied to the inspection list to create an inspection cycle. If an establishment is found to be out of business, that establishment shall be deleted from the list and the inspection activity will be entered in OIS with coding "no inspection". Facilities on the inspection cycle may be inspected in any order. No establishments may be added, and a new inspection cycle may not be generated until the previous list has been exhausted.
 - 5. Before initiating enforcement activities, the CSHO will determine if an inspection is prohibited by the Enforcement Exemptions and Limitations under the Appropriations Act. Public information sources may be used to estimate the number of employees at an establishment.
 - 6. All records for this REP, including outreach lists, inspections cycles, and other materials, will be maintained by the Area Offices. The records must demonstrate that OSHA has instituted the REP inspection list and cycles in accordance with the requirements of this Instruction, including documenting all deletions, deferrals, or other modifications (such as rationale for expanding inspections to cover health hazards, expanding unprogrammed activity, etc.). The area office must maintain all such inspection lists, cycles, and documentation for a period of three years after all inspections conducted under this REP have been closed. See

paragraph B.1.b.(1)(c)3 in CPL 02-00-025, Scheduling System for Programmed Inspections (1/4/1995) and Appendix D, Compliance Records Disposition Schedule, in ADM 03-01-005, OSHA Compliance Records (8/3/1998).

- C. Scope of inspections under this emphasis program will be comprehensive in nature covering the entire facility, in accordance with the FOM. If an unprogrammed activity is expanded, the CSHO will request authority to expand the inspection from the Area Director or the Assistant Area Director. In determining whether to approve the expansion, the Area Director or Assistant Area Director will follow the FOM and current agency policy. CSHO's will make appropriate entries in the official case file regarding the scope of the inspection. Apparent health hazards, such as silica, lead, noise, and other health hazards will be identified, and if necessary, a health referral will be made. The CSHO will evaluate all on-site employers through inspection, observation, photographs, video footage, measurements, and interviews of management and employees. This includes identification of temporary worker service contracts and temporary employment agencies active at the facility.
 - D. Citations for violations will be issued in accordance with the FOM, Chapters V, VI, and VII.
 - E. Interface with Unprogrammed Activity
Reports of imminent danger, fatalities, catastrophes, complaints, and referrals shall be scheduled as unprogrammed inspections, and shall be inspected in accordance with the applicable provisions of the FOM.
 - F. Inspection Resources
All OSHA personnel participating in this REP must be familiar with the policies and procedures described in this notice.
 - G. CSHO Personal Protective Equipment (PPE)
CSHOs will use personal protective equipment (PPE) suitable for the targeted industry. PPE will include, at a minimum, a hard hat, safety glasses with side shields, safety shoes/boots (with metatarsal guards as necessary), and hearing protection. If a combustible dust hazard exists, CSHOs shall wear non-spark-producing clothing such as natural fiber (e.g., cotton), and the use of flame-resistant clothing (FRC) is recommended.
- X. OIS Instructions.**
- A. Enforcement Inspections
Enforcement inspections completed under this initiative will be coded:

In OIS in the Inspection Type sub tab:

1. Initiating Type will be coded “Programmed Planned” with the following exception. Any inspections conducted as a result of a complaint, referral, or fatality/catastrophe will be coded as the appropriate “Unprogrammed” activity.
2. Local Emphasis Program will be coded **FABMETSH** for all programmed and unprogrammed inspections.
3. Strategic Plan Activity will be coded with any strategic plan codes applicable to the current inspection.
4. Additional Codes will be coded with any applicable additional codes.

B. Enforcement Interventions

Enforcement Interventions completed under this initiative, including partnerships, alliances, Voluntary Protection Programs, and other interventions, will be coded:

In OIS in the Task sub tab, Task Details, Emphasis Areas as follows:

1. Local Emphasis Programs will be coded **FABMETSH**.
2. Strategic Emphasis Areas will be coded with any strategic plan codes applicable to the current inspection.
3. Other Emphasis Areas will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

C. Consultation Visits

Consultation Visits completed under this initiative will be coded:

1. In OIS on the Request Form CONS-20:
 - a. Local Emphasis will be coded **FABMETSH**.
 - b. Field 18 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.
2. In OIS on the Visit Form CONS-30:
 - a. Local Emphasis will be coded **FABMETSH**.

- b. Field 22 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

D. Consultation Interventions

Consultation Interventions completed under this initiative will be coded:

In OIS on the Consultation Intervention Form CONS-66:

- 1. Local Emphasis will be coded **FABMETSH**.
- 2. Field 15 will include any applicable additional codes and the codes specific to the construction activity covered by the inspection per VII.A.4.

- E. Area Offices and Consultation Projects shall periodically check their OIS databases to verify accuracy of the data for the REP.

XI. Outreach.

All REPS must contain an outreach component that must be executed prior to the initiation of the enforcement program. The method of outreach is at the Area Directors' discretion and can consist of one or more of the following components.

- 1. Broadcast mail-outs or program information
- 2. Stakeholder meetings
- 3. Targeted training sessions
- 4. Presentations to the affected group(s)

The outreach component selected should be conducted prior to the start of the enforcement inspection portion of the REP and ongoing for REP renewals. The timing of this should be sufficient to ensure that employers have been provided fair notice of the program and opportunities to achieve voluntary compliance, usually 90 days. These outreach efforts should be coordinated with or include the consultation program for that area. All outreach efforts must be documented and kept as part of the Area Office documentation for the REP and the relevant inspection cycles.

XII. Partnerships and Alliances.

In the event outreach efforts result in the interest in developing an alliance or partnership the Area Director will ensure that these efforts conform to current National and Regional Policy.

XIII. Evaluation.

The Regional Office will evaluate the impact of the REP at the mid-point of the REP approximately June 2026 and at its expiration. The evaluation will include verification of

Area Office documentation such as completed inspection cycles, OIS coding, and outreach components. Information and data from OIS along with input from the Area Directors will be used in the evaluation. Elements to be considered in the evaluation are contained in OSHA Instruction CPL 04-00-002.