



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: CPL 2 02-00-032B

SUBJECT: Regional Emphasis Program for Transportation Tank Cleaning Operations

REGION: Region VI

SIGNATURE DATE: July 24, 2024

EFFECTIVE DATE: August 1, 2024

ABSTRACT

Purpose: This Instruction updates and renews a Regional Emphasis Program (REP) to reduce injuries, illnesses and fatalities related to workers' exposures while engaged in transportation tank cleaning operations. Transportation tanks are confined spaces and may contain a potential hazardous atmosphere exposing workers to the risk of death, incapacitation, impairment of the ability to self-rescue, or acute illness.

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

References: Title 29 Code of Federal Regulations, Part 1910
OSHA Instruction CPL 02-00-164
OSHA Instruction CPL 04-00-002
OSHA Instruction CPL 02-00-170
OSHA Instruction CPL 02-00-025

Cancellations: Region VI Regional Notice CPL 2 02-00-032 dated July 23, 2021, Regional Emphasis Program for Transportation Tank Cleaning Operations.

State Impact: Region VI 21(d) Consultation Project Offices in Arkansas, Louisiana, Oklahoma, and Texas will provide outreach, consultation services, and training to affected employers as requested. State Plans are strongly encouraged to adopt this program.

Action Offices: Region VI Area Offices
Region VI Consultation Project Offices
Dallas Regional Office

Information Offices: New Mexico Occupational Health and Safety Bureau

Originating Office: Dallas Regional Office – Enforcement Programs

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By and Under the Authority of

Stephen B. Boyd
Acting Regional Administrator

Executive Summary

This Instruction updates and revises a Regional Emphasis Program (REP) to identify and correct workplace hazards which are causing or likely to cause serious injury or death in the transportation tank cleaning industry. The intent of this REP is to encourage employers to evaluate their workplaces for compliance with all relevant OSHA requirements, and to help employers correct hazards, thereby reducing potential injuries, illnesses, and death for their workers.

Workers employed in the transportation tank cleaning industry face many hazards that can lead to serious injury, illness, and death, including fire, explosions, hazardous atmosphere, and hazardous chemicals rendering workers incapacitated and unable to self-rescue from the interior of a tank.

OSHA in Region VI proposes to accomplish this through outreach and enforcement activities. Outreach activities will include letters to employers, training sessions with stakeholders, electronic information-sharing activities, public service announcements, and news release broadcasts. Enforcement activities will begin not earlier than three months after outreach is initiated and will include, but not be limited to, the inspection and review of production operations, and working conditions; injury and illness records; safety and health programs; and chemical handling and use, to identify and obtain corrections of workplace hazards at all applicable inspection sites.

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I. Purpose.

This Instruction updates and renews a Regional Emphasis Program (REP) to reduce injuries, illnesses, and fatalities when engaged in transportation tank cleaning operations. This REP will provide the authority to evaluate the employer’s workplace(s) at all programmed, unprogrammed, or other limited-scope inspections pertaining to transportation tank cleaning operations to assure that employees are being properly protected. Area Offices will normally conduct inspections for all complaints, formal or non-formal, which contain allegations of potential worker exposure to hazards associated with transportation tank cleaning. Where applicable, Area Offices will expand all unprogrammed inspections to include all potentially hazardous areas addressed by this emphasis program.

II. Scope.

This Instruction applies to all transportation tank cleaning in Arkansas, Louisiana, Oklahoma, and Texas, and those worksites in New Mexico that are under federal jurisdiction.

III. References.

- Title 29 Code of Federal Regulations, [Part 1910](#).
- OSHA Instruction [CPL 02-00-164](#), Field Operations Manual (FOM), April 14, 2020, or current update.
- OSHA Instruction [CPL 04-00-002](#), Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018, or current update.
- OSHA Instruction [CPL 02-00-170](#), Enforcement Exemptions and Limitations under the Annual Appropriations Act, July 18, 2024, or current update.
- OSHA Instruction [CPL 02-00-025](#) - CPL 2.25I - Scheduling System for Programmed Inspections, January 4, 1995, or current update.
- OSHA Instruction [CPL 02-00-100](#) (CPL 2.100) – Application of the Permit- Required Confined Spaces (PRCS) Standard, 29 CFR 1910.146, May 5, 1995, or current update.
- OSHA Instruction [CPL 02-02-054](#) - Respiratory Protection Program Guidelines, July 14, 2000, or current update.
- OSHA Instruction [CPL 02-01-037](#) (CPL 2-1.037), Compliance Policy for Emergency Action Plans and Fire Prevention Plans, July 9, 2002, or current update.
- OSHA Instruction [CPL 02-00-094](#) (CPL 2.94), OSHA Response to Significant Events of Potentially Catastrophic Consequences, July 22, 1991, or current update.

IV. Cancellations.

Region VI Regional Notice CPL 2 02-00-032 dated July 23, 2021, Regional Emphasis Program for Transportation Tank Cleaning Operations.

V. Action Offices.

- A. **Responsible Office.**

Dallas Regional Office

B. Action Office.

Region VI Area Offices.

Region VI Consultation Project Offices.

Dallas Regional Office.

C. Information Offices.

New Mexico Occupational Health and Safety Bureau.

VI. Significant Changes.

No significant changes.

VII. Expiration.

This Instruction expires July 31, 2028, but may be renewed as necessary.

VIII. Background.

Workers employed in the transportation tank cleaning industry face many hazards that can lead to serious injury, illness, and death, including fire, explosions, hazardous atmosphere, and hazardous chemicals.

Transportation tanks, whether truck tanks or railroad tank cars, carry a variety of commodities for a wide variety of customers. To meet standards and regulations administered by other agencies, transportation tanks must be cleaned and inspected prior to filling again with the same or new or different commodity for transportation.

Transportation tanks meet the definition of a Confined Space as stated in 29 CFR 1910.146, Permit-Required Confined Spaces. Depending on the chemical nature of the commodities transported by the tank, configuration of the tank, cleaning method used and associated equipment used for cleaning, these tanks may have one or more characteristics of a permit-required confined space as defined by the standard.

During FY 2022 - 2023, Region VI initiated 50 inspections within the industry resulting in 135 violations. In accordance with Department of Labor's Strategic Plan, the REP addresses OSHA Performance Objective 2.1: "Secure safe and healthful working conditions for America's workers."

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)																	
Characteristic	Private Industry		NAICS CODES														
			213112		48411		4882		4889		5629		56292		56299		
	2021																
	Number	Rate	N	R	N	R	N	R	N	R	N	R	N	R	N	R	
Injuries and Illnesses																	
Total Recordable cases	2607.9	2.7	1.7	0.6	9.8	3.4	0.9	2.7	1.3	5.4	4.1	2.7	0.6	3.2	1.4	3.0	
Cases with days away from work	1062.7	1.2	0.9	0.4	5.7	1.9	0.4	1.1	0.4	1.6	2.0	1.3	0.5	2.4	0.6	1.3	
Cases with job transfer or restriction	554.6	0.6	0.3	0.1	1.9	0.6	0.2	0.6	0.5	2.3	1.1	0.7	0.1	0.6	0.3	0.6	
Other recordable cases	990.7	1.2	0.6	0.3	2.3	0.8	0.3	1.0	0.4	1.5	1.0	0.7	-	-	0.5	1.1	
Total	1617.3	1.7	1.1	0.9	7.5	2.6	0.6	1.7	0.9	3.9	3.1	2.0	0.6	3.0	0.9	1.9	
Source Bureau of Labor Statistics BLS Table 1 and BLS Table 2 – 2021 National																	
Illness categories																	
Skin disorders	11.7	1.2	-	-	(-6-)	(-6-)	0.0 ⁵	0.5	0.0 ⁵	9.9	0.0 ⁵	2	-	-	0.0 ⁵	5.4	
Respiratory conditions	269.6	27.8	0.1	6.7	0.4	3.8	1.1	16.2	-	-	0	12	-	-	-	-	
Poisoning	1.2	0.1	-	-	(-6-)	(-6-)	-	-	-	-	-	-	-	-	-	-	
Hearing loss	12.0	1.2	(-6-)	(-6-)	0.0 ⁵	0.2	0.3	4.7	-	-	-	-	-	-	-	-	
All other illness cases	70.8	7.3	-	4.0	0.3	2.7	0.4	5.8	0.1	37.8	0	6	0.1	7	-	-	
Total Illness cases	365.2	37.7	0.1	7.2	0.8	6.8	1.8	27.2	0.1	47.6	0	20	0.1	8.6	0.2	35	
Source Bureau of Labor Statistics BLS Table SNR08 and BLS SNR Table 10 – 2021 National																	

BLS data also indicates that there is an increase in fatal injuries in this industry as the fatality rate is at the second highest for all industries in 2022.

Number and rate of fatal work injuries, by private industry sector, 2022		
Industry	Number of fatal work injuries	Fatal work injury rate (per 100,000 full-time equivalent workers)
Construction	1,069	9.6
Transportation and warehousing	1,053	14.1
Professional and business services	598	3.1
Agriculture, forestry, fishing, and hunting	417	18.6
Manufacturing	404	2.6
Leisure and hospitality	306	2.8
Retail trade	301	2.1
Other services (exc. Public admin.)	200	2.9
Educational and health services	178	0.8
Wholesale trade	171	5.4

See data definitions at www.bls.gov/iif/oshcfdef.htm.

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)																
Characteristic	Private Industry		NAICS CODES													
			213112		48411		4882		4889		5629		56292		56299	
	2022															
	Number	Rate	N	R	N	R	N	R	N	R	N	R	N	R	N	R
Injuries and Illnesses																
Total Recordable cases	2804.2	2.7	2.2	1	7.7	2.6	0.8	2.3	1.6	5.1	5.2	3.2	1.2	4.6	2.4	4.6
Cases with days away from work	1184.2	1.2	1.2	0.5	4.5	1.5	0.3	0.9	0.9	2.9	2.4	1.5	0.5	1.8	1.1	2.2
Cases with job transfer or restriction	577.7	0.6	0.4	0.2	1.2	0.4	0.2	0.7	0.3	0.9	1.0	0.6	0.4	1.5	0.4	0.8
Other recordable cases	1042.3	1.2	0.6	0.3	2.0	0.7	0.2	0.6	0.4	1.3	1.8	1.1	0.3	1.3	0.9	1.7
Total	1761.9	1.8	1.6	0.7	5.7	1.9	0.6	1.7	1.2	3.8	3.4	2.1	0.8	3.3	1.5	2.9
Source Bureau of Labor Statistics BLS Table 1 and BLS Table 2 – 2022 National																
Illness categories																
Skin disorders	12.3	1.2	-	-	0.0 ⁵	0.2	0.0 ⁵	0	-	-	-	-	-	-	-	-
Respiratory conditions	365	35.8	-	-	0.3	2.5	0.5	7	-	-	0.0 ⁵	3	0.0 ⁵	5.6	-	-
Poisoning	1.1	0.1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hearing loss	13	1.3	-	-	-	-	0.2	3	-	-	-	-	-	-	-	-
All other illness cases	69.2	6.8	0.0 ⁵	1.1	0.4	3.5	0.3	4	-	-	0.4	26	-	-	0.4	71.7
Total Illness cases	460.7	45.2	0.0 ⁵	2.1	0.8	6.5	1	14	-	-	0.5	30	0.1	8.1	0.4	71.7
Source Bureau of Labor Statistics BLS Table SNR08 and BLS SNR Table 10 – 2022 National																

In summary, there is evidence that workers in transportation tank cleaning operations are at increased risk of suffering a work-related injury. CY 2021 through 2022 U.S. Bureau of Labor Statistics (BLS) Days Away, Restricted, or Transferred (DART) rates in addition to Days Away From Work Injury and Illnesses (DAFWII) rates justifies continuation of the region-wide problem-solving initiative to reduce injuries, illnesses, and fatalities related to worker exposure in transportation tank cleaning operations.

IX. Enforcement.

A. Scheduling.

The transportation tank cleaning establishment list will consist of all establishments that have been developed from the latest list from the Office of Statistics.

This REP targets worksites in the following NAICS codes:

NAICS	Description
213112	Support Activities for Oil and Gas Operations
484110	General Freight Trucking, Local

488210	Support Activities for Rail Transportation
488490	Other Support Activities for Road Transportation
488510	Freight Transportation Arrangement
562910	Remediation Services
562920	Materials Recovery Facilities
562998	All Other Miscellaneous Waste Management Services

The following will apply to scheduling Transportation Tank Cleaning Operation inspections:

1. The transportation tank cleaning list will consist of all establishments that were developed from the latest list from the Office of Statistics or from locally acquired methods such as local phone books, trade associations, etc.
2. Any establishment that has received a comprehensive safety and/or health inspection after October 1, 2022, may be deleted from the list. Establishments must be cross 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. This instruction will include employers with less than 10 employees due to health-related hazards. Any proposed citations will be issued in accordance with the Enforcement Exemptions and Limitations under the Appropriations Act.
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).

B. Inspection Procedures.

1. Scope of inspections under this emphasis program will be partial safety or health inspection, 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.
2. The CSHO will make appropriate entries in the official case file regarding the scope of the inspection. Apparent health hazards, such as noise, respiratory, permit required confined spaces, and other health hazards will be identified, and if necessary, a health referral will be made.
3. 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.
4. Citations for violations will be issued in accordance with the FOM, Chapters V, VI, and VII. 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.
5. Inspection Resources. All OSHA personnel participating in this REP must be familiar with the policies and procedures described in this notice.
6. The CSHO 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.

7. The CSHO must familiarize themselves with the following documents as appropriate:

- [CPL 02-00-100](#) (CPL 2.100) – Application of the Permit-Required Confined Spaces (PRCS) Standard, 29 CFR 1910.146.
- [CPL 02-00-135](#) – Recordkeeping Policies and Procedures.
- [CPL 02-02-072](#) – Rules of Agency Practice and Procedure Concerning OSHA Access to Employee Medical Records.
- [CPL 02-02-054](#) - Respiratory Protection Program Guidelines.
- [CPL 02-02-079](#) – Inspection Procedures for Hazard Communication Standard (HCS 2012).
- [CPL 03-00-008](#) – NEP: Combustible Dust Explosion Prevention Program.
- [CPL 02-01-050](#) – 29 CFR Part 1910, Subpart I, Enforcement Guidance for Personal Protective Equipment in General Industry.
- [CPL 02-01-037](#) – Compliance Directive for Emergency Action Plans and Fire Prevention Plans.

C. Recording in OIS.

1. Enforcement inspections completed under this initiative will be coded in OIS in the Inspection type sub tab.

2. 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.

3. Local Emphasis Program will be coded TANKCLEAN6 for all programmed and unprogrammed inspections.

4. Strategic Plan Activity will be coded with any strategic plan codes applicable to the current inspection.

5. Additional Codes will be coded with any applicable additional codes.

6. Enforcement interventions completed under this initiative, including partnerships, alliances, Voluntary Protection Programs, and other interventions, will be coded as follows:

- a. In OIS in the Task sub tab, Task Details, Emphasis Areas, Local Emphasis Programs will be coded TANKCLEAN6.

b. Strategic Emphasis Areas will be coded with any strategic plan codes applicable to the current inspection.

c. Other Emphasis Areas will include any applicable additional codes and the codes specific to the activity covered by the inspection.

d. Consultation Visits completed under this initiative will be coded in OIS on the request form TANKCLEAN6.

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

X. Program Elements.

The CSHO will evaluate the following safety and health program elements and issues during all compliance inspections conducted at the targeted NAICS sites under this REP. The compliance inspections cover all portions of the employer's operations at the site.

- A. **Permit Required Confined Space Program.** CSHOs will evaluate the employer's transportation tank cleaning operation in the work environment for compliance with 29 CFR 1910.146. CSHOs will use [CPL 02-00-100](#) (CPL 2.100) Application of the Permit-Required Confined Spaces (PRCS) Standard, 29 CFR 1910.146.
- B. **Respiratory Protection Program.** CSHOs will evaluate the employer's respiratory protection program for work operations in the work environment for compliance with 29 CFR 1910.134. CSHOs will use [CPL 02-02-054](#) Respiratory Protection Program Guidelines.
- C. **Hazard Communication.** CSHOs will evaluate the employer's use of chemicals in the work environment for compliance with [29 CFR 1910.1200](#) Hazard Communication. CSHOs will use [CPL 02-02-079](#), Inspection Procedures for the Hazard Communication Standard (HCS 2012), as guidance. CSHOs will determine compliance with OSHA's HCS requirements for safety data sheets (SDSs), labeling and worker training.
- D. **Other Hazards.** The CSHO will review the injury and illness records, including first aid and nursing logs, for the past five years for trends that may identify a common hazard at the workplace. Conditions and hazards may vary from facility to facility depending on the work operations. However, a variety of hazards may be common industry-wide, including noise, respiratory, permit required confined space, and chemicals.

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. Evaluation.

The Regional Office will evaluate the impact of the REP at the mid-point of the REP approximately February 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](#).

APPENDIX A

Date

Company Name

Address

Dear [Stakeholder]:

The United States Department of Labor/Occupational Safety and Health Administration (OSHA), Region VI, is continually striving to improve workplace safety and health. OSHA has identified tank-cleaning operations as presenting occupational hazards that are the subject of a Regional Emphasis Program (REP). Workers employed in the transportation tank cleaning industry face many preventable hazards that can lead to serious injury, illness and death, including fire, explosions, hazardous atmosphere, and hazardous chemicals rendering workers incapacitated and unable to self-rescue from the interior of a tank.

OSHA's [Office Name] Area Office has identified your company that operates within a North American Industrial Classification code in this REP where tank cleaning may be a hazard. We encourage you to evaluate your workplace for compliance with all relevant OSHA requirements, and to correct hazards, thereby reducing potential injuries, illnesses, and death for their workers. A comprehensive safety and health program includes management commitment, employee involvement and strong enforcement of safety rules through job site inspections and evaluations.

Based on the U.S. Bureau of Labor Statistics (BLS) Census of Fatal Occupational Injuries (CFOI), tanker truck interiors and confined spaces on vehicles, experienced sixty-five (65) fatal occupational injuries from 2011 to 2018. The leading cause of death, in both spaces, was inhalation of a harmful substance accounting for a combined thirty-six (36) fatal events.

Transportation tanks meet the definition of a Confined Space as stated in [29 CFR 1910.146](#), Permit-Required Confined Spaces. Depending on the chemical nature of the commodities transported by the tank, configuration of the tank, cleaning method used and associated cleaning equipment, these tanks may have one or more characteristics of a permit-required confined space as defined by the standard. The purpose of this REP is to inspect facilities that have one or more characteristics of a permit-required confined space as defined by the standard. Employers engaged in certain manufacturing industries and selected service industries are the focus of this emphasis program. These industries include North American Industrial Classification Codes (NAICS) 213112, 484110, 488210, 488490, 488510, 562910, 562920, and 562998. OSHA is initiating this Regional Emphasis Program (REP) to address the

high probability of employee exposures to inhalation of a harmful substance in these tank-cleaning industries.

In recent years, OSHA has made a strong effort to promote more outreach and compliance assistance. OSHA believes that one way to improve workplace safety and health is to increase employee and employer awareness and involvement. Should you require assistance in implementing or strengthening your existing safety and health program, several resources are available.

Smaller businesses, those with 250 employees or less, have the option of using the State of Texas' OSHA Consultation Program. The OSHA Consultation group is administered by the State of Texas Department of Insurance. They offer free, confidential consultative services that are separate from the OSHA enforcement operations. The TXOSHCON group may be contacted at (800) 252-7031, Option 2 or <http://www.txoshcon.com>.

The [Office Name] Area Office has designated a Compliance Assistance Specialist (CAS) to work with employers and ensure that both large and small businesses receive the technical assistance needed to comply with OSHA's workplace safety and health standards. The CAS may be contacted at (XXX)XXX-XXXX. The OSHA website is also a valuable tool for reviewing regulations, compliance directives and industry specific e-tools. The website address is www.osha.gov.

The following links provide information on the hazards of tank cleaning operations and on the OSHA Regional Emphasis Program:

https://www.osha.gov/sites/default/files/enforcement/directives/CPL_2_02-00-032.pdf

<https://www.osha.gov/confined-spaces>

Employers have a responsibility to report workplace fatalities within eight hours of the event, and the hospitalization of one or more employees, amputations, and loss of an eye within 24 hours of the event. To report such events, you can contact the OSHA Hotline at 1-800-321-OSHA (6742) which is staffed 24/7.

Should you have any other questions feel free to contact this office at (XXX)XXX-XXXX.

Sincerely,

Area Director (xxxx)