



# OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** DEN-CPL-04-00-001

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**SUBJECT:** Regional Emphasis Program for the Automotive Services Industry

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**REGION:** Denver (DEN)

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**SIGNATURE DATE:** 10/9/2024

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**EFFECTIVE DATE:** 10/9/2024

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## ABSTRACT

- Purpose:** This Instruction renews an existing Regional Emphasis Program (REP) to reduce the incidence of serious health and physical injury or death from hazards associated with automotive services. The employers to be included in this REP are classified within North American Industry Classification System (NAICS) codes where automotive services are known to be in operation.
- Scope:** This Instruction applies to establishments within the Englewood, Billings, Sioux Falls, Denver, and Bismarck Area Office jurisdictions in the general industry NAICS codes listed in this Instruction.
- Reference:** OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEP), November 13, 2018
- Cancellations:** This Instruction cancels previous Regional Instruction CPL 20-06 (04-01) Regional Emphasis Program for Automotive Services, October 1, 2019.
- Expiration Date:** This Instruction expires on 10/9/2029.
- State Impact:** None
- Action Offices:** Englewood, Billings, Sioux Falls, Denver, and Bismarck Area Offices
- Originating Office:** Denver Regional Office
- Contact:** Assistant Regional Administrator for Enforcement Programs  
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By and Under the Authority of:

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Jennifer Rous  
Regional Administrator, Denver Region

## **EXECUTIVE SUMMARY**

Workers employed in the automotive services industry face many hazards that can lead to serious injury, illness, and death, including crushing hazards due to improper use and maintenance of automotive lifts and floor jacks, excessive noise, tire explosions, machine guarding, uncovered service pits, and exposure to chemicals.

The intent of this Regional Emphasis Program is to encourage employers to take steps to address hazards, ensure facilities are evaluated to determine if they are in compliance with all relevant OSHA requirements, and to help them correct hazards, thereby reducing potential injuries, illnesses, and deaths for their workers.

The Area Offices propose to accomplish this through outreach and enforcement activities. Outreach activities will include training sessions with stakeholders and electronic information sharing activities through newsletters. Enforcement activities will include, but not be limited to, the inspection and review of all servicing and repair operations such as use of automotive lifts, use of chemicals, machine guarding, and fall hazards. Additionally, the activity will include an evaluation of working conditions, records, and safety and health programs to identify and obtain corrections of workplace hazards at all applicable inspection sites.

### **Significant Changes**

None

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- I. **Purpose.** This Instruction expands an existing Local Emphasis Program, originally established for the Englewood Area Office, to a Regional Emphasis Program (REP) for the purpose of conducting programmed inspections of automotive service facilities. The employers to be included for inspection are in the automotive industry and are classified within the NAICS codes listed below.

The goal of this REP is to identify and reduce or eliminate workplace hazards associated with automotive services which are causing or likely to cause serious illness, injury, or death.

- II. **Scope.** This Instruction applies to automotive service facilities located within the jurisdiction of the Englewood, Billings, Sioux Falls, Denver, and Bismarck Area Offices under the following NAICS codes:

<b>NAICS</b>	<b>Description</b>
441110	New Car Dealerships
811111	General Automotive Repair
811112	Automotive Exhaust System Repair
811113	Automotive Transmission Repair
811118	Other Automotive Mechanical and Electrical Repair and Maintenance
811121	Automotive Body, Paint, and Interior Repair and Maintenance
811191	Automotive Oil Change and Lubrication Shops
811198	All Other Automotive Repair and Maintenance
441320	Tire Dealers

III. **References:**

- A. CPL 02-00-164, *Field Operations Manual (FOM)*, April 14, 2020, or the version current at the time of the opening conference.
- B. CPL 04-00-002, *Procedures for the Approval of Local Emphasis Programs (LEPs)*, November 13, 2018.
- C. CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995.
- D. CPL 02-00-170, *Enforcement Exemptions and Limitations under the Appropriations Act*, July 18, 2024, or the most current list in effect at the time of the opening conference.
- E. OSHA Memorandum: Establishment-Targeting Lists for Emphasis Programs, November 12, 2014.

F. Bureau of Labor Statistics, *2017 Fatal Injuries and Nonfatal Incident Rates by Industry* [www.bls.gov/iif/tables.htm](http://www.bls.gov/iif/tables.htm). (NOTE: Inspection data generated during the five years of this program was used to justify its renewal.)

G. ReferenceUSA.com. October 23, 2018 database search.

IV. **Cancellations:** This Instruction cancels previous Regional Instruction CPL 20-06 (04-01), Regional Emphasis Program for Automotive Services.

V. **Action Office:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Offices.

VI. **Federal Program Change:** None.

VII. **Significant Changes:** None

VIII. **Background.** Automotive service and repair work in the automotive industry exposes employees to a variety of physical and health hazards. A search of the 2017 Bureau of Labor Statistics (BLS) data for the NAICS codes listed above indicated that 100 fatalities occurred in these industries, with over half of these occurring in NAICS 811111 (General Automotive Repair). The same BLS data indicates that nonfatal injury and illness rates for NAICS 441320 (Tire Dealers) is as high as 5.1 cases per 100 workers. This rate is approximately 1.6 times the national average for all private sector industries. Similarly, the days away, restricted, or transferred (DART) rate is calculated to be as high as 2.7 cases per 100 workers. This rate is approximately 1.7 times higher than the national average for all private sector industries.

OSHA inspection data for these NAICS codes revealed that from October 1, 2013, through September 30, 2018, OSHA (federal) conducted over 2,000 inspections in the targeted industries and issued citations in 73% of these cases. Examples of physical hazards include crushing injuries due to improper use and maintenance of automotive lifts and floor jacks, exposure to noise, tire explosions, machine guarding hazards and exposure to uncovered service pits. The types of health hazards in this industry can include exposure to carbon monoxide, paints, solvents, coatings, wheel cleaning acids, as well as other hazardous chemicals used in brake cleaners.

Since the inception of the current Local Emphasis Program on April 16, 2013, the Billings, Bismarck, and Englewood Area Offices conducted 449 inspections, 348 of which resulted in violations issued. This demonstrates the existence of numerous safety and health hazards in this industry. Many of these violations are related to serious hazards associated with automotive lifts including lack of maintenance, lack of adequate employee training and improper operation. In addition, serious health hazards have also been observed in many of these inspections with regard to a lack of hazard communication programs, exposure to various chemicals, exposure to wheel cleaning

acids and lack of adequate respiratory protection programs. Auto body technicians work with a variety of hazardous chemicals such as solvents, fillers, paint strippers, isocyanates and adhesives. They are routinely exposed to these chemicals through skin contact and inhalation of vapors or spray mists.

Inspection data for the Denver and Sioux Falls Area Offices reveal a citation rate similar to the other Area Offices currently covered by this program (75%) when inspecting facilities in one of the covered NAICS codes.

There are numerous establishments in the covered NAICS codes throughout the Denver Region. The ReferenceUSA.com database provided the information in the table below regarding the number of establishments in each state in the region covered by the scope of this Instruction.

State	# Establishments in Covered NAICS
Montana	1,904
North Dakota	1,133
South Dakota	1,209
Colorado	5,699

Prior to 2013, most of OSHA's inspection activity for automotive services had been the result of un-programmed activity initiated by complaints, referrals and accidents. By focusing inspection activity on employers in the automotive industry, OSHA hopes to reduce the injury and fatality rates of employers who are engaged in automotive services.

**IX. Inspection Scheduling and Selection of Sites.** The procedures outlined in the November 12, 2014, OSHA Memorandum: Establishment-Targeting Lists for Emphasis Programs will be followed.

- A. Establishments that have received a comprehensive safety or health inspection that addressed the hazards identified in this REP within the previous 60 months of the creation of the current inspection cycle will be deleted from the list.
- B. The Area Office may delete an establishment if it is determined that:
  - 1. The establishment is a residence;
  - 2. The establishment is not in the scope of the REP (e.g., the establishment is clearly conducting business other than that covered by the REP); or
  - 3. There is no evidence that the facility exists (e.g., no phone or internet listing; no registration with the Secretary of State; Google Earth or Street View shows conclusively that the business is non-existent).

- C. In the event a cycle is not completed on or before expiration of this Instruction, the cycle will be extended into the new fiscal year, provided this Instruction is renewed. The outstanding cycle will be completed by each Area Office before establishments are selected from the new master list. If the Instruction is not renewed, the outstanding cycle is effectively cancelled, and the Area Office is not obligated to complete inspections on the remaining establishments within the cycle.
- D. Establishments within a cycle may be inspected in any order so that Area Office resources are efficiently used. Once a cycle is begun, all establishments in the cycle are to be inspected before a new cycle is started, except that carryovers will be allowed as provided for in OSHA Instruction CPL 02-00-025. If establishments are carried over into the new fiscal year, the Area Office shall ensure that each establishment remaining in the cycle meets the criteria in paragraph VII, above.

**X. Inspection Procedures.**

- A. Inspections will be conducted in accordance with this Instruction and the Field Operations Manual (FOM).
- B. Inspections shall be comprehensive (except as indicated in items C and D below) and address both safety and health hazards in all areas of the establishment where automotive service and repair activities take place.
- C. Reports of imminent danger, fatality/catastrophe, complaints, and referrals shall be scheduled as unprogrammed inspections and shall be inspected in accordance with the applicable provisions of the FOM. This does not, however, limit the Area Office's authority to conduct an inspection pursuant to this REP. Non-formal complaints will be inspected pursuant to the provisions of the FOM.
- D. Appropriations Act. OSHA Instruction CPL 02-00-170, Exemptions and Limitations under the Current Appropriations Act will be adhered to in implementation of this program. The most updated list will be used at the time of the opening conference to determine eligibility for inspection.

For employers with 10 or fewer employees that fall under CPL 02-00-170, Exemptions and Limitations under the Current Appropriations Act, programmed inspections will proceed as "health only" and will be partial in scope. This is necessary to address health hazards to which employees of small employers may be exposed.

**X. Outreach.**



Each Area Office participating in the previous Regional Emphasis Program has conducted and continues to provide outreach on hazards in the automotive service industry. Outreach has been in the form of speeches, training seminars, and newsletters to groups identified by the Compliance Assistance Specialist and Compliance Safety and Health Officers.

**XI. OSHA Information System (OIS) Coding.**

The following will address only the changes or additions to OIS coding procedures for inspections conducted under this LEP:

- A. On the OIS Inspection Form, programmed inspections scheduled under the procedures of this REP shall be coded as “AUTOSERV” in the Local Emphasis Program block and as “Programmed Planned” in the Initiating Type block. Inspections under this LEP will be typically coded as “Safety” inspections in the “Inspection Category” block unless the inspection is predominately health related in nature. In this case the inspection should be coded as “Health.”
- B. On the OIS Inspection Form, inspections involving automotive service safety issues which are initiated as a result of a complaint, referral, or fatality/catastrophe (i.e., Section VII.A.4.) shall be coded as “AUTOSERV” in the Local Emphasis Program block and as the appropriate “unprogrammed” activity in the Initiating Type block regardless of whether they are listed on a cycle list.
- C. Programmed Inspections under this REP will be labeled as “Comprehensive” in OIS with the exception of “health only” inspections which will be labeled as “partial.”

**XII. Program Report.** No later than midway through the life of the program the Area Offices will provide a report of this REP to the Regional Office.

**DISTRIBUTION:**

Directorate of Enforcement Programs  
Regional Office of the Solicitor