



OSHA REGIONAL INSTRUCTION

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: DEN-CPL-04-00-003

SUBJECT: Regional Emphasis Program for Grain Handling Facilities

REGION: Denver (DEN)

SIGNATURE DATE: 10/9/2024

EFFECTIVE DATE: 10/9/2024

ABSTRACT

- Purpose:** This Instruction renews a Regional Emphasis Program (REP) to identify and reduce or eliminate the workplace hazards in grain handling facilities which are causing or likely to cause serious injury or death.
- Scope:** This Instruction applies to operations with potential hazards in grain handling facilities located within the jurisdiction of each Area Office in the Denver Region.
- References:** OSHA Instruction CPL 04-00-002, Procedures for Approval of Local Emphasis Programs (LEPs), November 13, 2018.
- Cancellation:** This Instruction cancels Regional Notice CPL 20-03 (04-01), Regional Emphasis Program for Grain Handling Facilities, October 1, 2019.
- Expiration Date:** This Instruction expires on 10/9/2029.
- State Impact:** None
- Action Offices:** Billings, Bismarck, Sioux Falls, Denver, and Englewood Area Offices
- Originating Office:** Denver Regional Office

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By and Under the Authority of:

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Executive Summary

Workers employed in grain handling facilities face many hazards that can lead to serious injury, illness, and death. Suffocation and falls are the two leading causes of deaths. Other hazards include fires and explosions from combustible dust, electrocutions, and injuries from improperly guarded machinery.

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

OSHA in the Denver Region proposes to accomplish this through outreach and enforcement activities. Outreach activities have and will continue to include training sessions and speeches with stakeholders, electronic information sharing activities through newsletters, and joint events such as the 2024 Stand Up for Grain event. Enforcement activities will include, but not be limited to, the inspection and review of all grain handling, production and storage operations, especially as it relates to dust control and confined space entry procedures, and all other applicable safety and health programs.

Significant Changes

None

Table of Contents

I.	Purpose	5
II.	Scope	5
III.	References	5
IV.	Cancellation.....	5
V.	Action Office	6
VI.	Federal Program Change	6
VII.	Significant Changes.....	6
VIII.	Background.....	6
IX.	Inspection Scheduling and Selection of Sites.....	6
X.	Inspection Procedures.....	7
XI.	Outreach	8
XII.	OIS Coding.....	8
XIII.	Program Report	8
	DISTRIBUTION.....	8

- I. **Purpose:** This Instruction renews a Regional Emphasis Program (REP) for the programmed inspection of grain handling facilities which are causing or likely to cause serious injury or death.
- II. **Scope:** This Instruction applies to grain handling facilities located within the jurisdiction of each Area Office in the Denver Region in NAICS codes 311211, Flour and other Grain Mill products; 311212, Rice Milling; 311119, Prepared Feeds and Feed Ingredients for Animals and Fowls; 493130, Farm Product Warehousing and Storage; and 424510, Grain and Field Beans.
- III. **References:**
 - A. OSHA Instruction CPL 02-00-164, *Field Operations Manual (FOM)*, April 14, 2020, or the most recent version at the time of the inspection opening conference.
 - B. OSHA Instruction CPL 04-00-002, *Procedures for Approval of Local Emphasis Program (LEPs)*, November 13, 2018.
 - C. OSHA Instruction CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995.
 - D. November 12, 2014, OSHA Memorandum: Establishments – Targeting Lists for Emphasis Programs.
 - E. Title 29 Code of Federal Regulations, Part 1910.
 - F. OSHA Instruction CPL 02-00-170, *Enforcement Exemptions and Limitations under the Appropriations Act, July 18, 2024*; or the most recent version at date of inspection opening conference.
 - G. OSHA Instruction CPL 02-01-004, *Inspection of Grain Handling Facilities*, November 8, 1996.
 - H. OSHA Instruction CPL 03-00-008, *Combustible Dust National Emphasis Program*, January 30, 2023.
 - I. OSHA Information System Trending/Statistics Report, October 1, 2013, to September 16, 2019, and January 1, 2014, to September 25, 2019.
- IV. **Cancellation:** This Instruction cancels previous OSHA Instruction CPL 20-03 (04-01) Regional Emphasis Program for Grain Handling Facilities.

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

VI. **Federal Program Change:** None

VII. **Significant Changes:** None

VIII. **Background:** Grain handling facilities, as defined by the OSHA Grain Handling Standard, include grain elevators, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, soybean flaking operations, and the dry grinding operations of soy cake. There are numerous safety and health hazards associated with grain handling operations. Suffocation and falls are the two leading causes of deaths at grain handling facilities. Other hazards include fires and explosions from combustible dust, electrocutions, and injuries from improperly guarded machinery.

Serious accidents continue to occur in these industries. A search of the OSHA OIS database from October 1, 2013 to September 16, 2019 shows that 44 fatalities occurred nationwide in grain handling establishments with NAICS codes of 311211, Flour and other Grain Mill products; 311212, Rice Milling; 311119, Prepared Feeds and Feed Ingredients for Animals and Fowls; 493130, Farm Product Warehousing and Storage, and 424510, Grain and Field Beans.

During this same time period, Federal OSHA conducted 1,117 inspections at facilities governed by the NAICS codes, above, and issued 2,705 citations as a result of those inspections. The majority of the hazards identified fell within 1910.272 (bin entry, housekeeping for dust control, non-approved electrical in bucket elevators, emergency action plans and training). Violations for falls, machine guarding, and lockout hazards were also identified.

In the Denver Region, 139 inspections were conducted from January 1, 2014 to September 25, 2019. In this time period, 6 fatalities occurred and a total of 383 violations were issued. Inspection data generated during the previous five years of this program was used to justify its renewal.

The Agency previously had a National Emphasis Program for these industries in the late 1970's and early 1980's. These programs have since been cancelled. This regional emphasis program will provide the opportunity to conduct inspections where serious injuries and fatalities are still occurring.

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

A. Establishments that have received a comprehensive inspection 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 NEP (e.g., the establishment is clearly conducting business other than that covered by the EP).
 - 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).

The criteria used to delete any establishment must be fully documented by the Area Office.

- 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.

X. Inspection Procedures:

- A. Inspections will be conducted in accordance with the FOM. Comprehensive safety inspections shall be conducted. If any health hazards are observed during the inspection, the CSHO will address them or make a health referral as appropriate.
- B. 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, OSHA Instruction CPL 02-00-164. This does not, however, limit the Area Office's authority to conduct an inspection pursuant to this REP. If an unprogrammed inspection is to be conducted at a facility that is also included in the current inspection cycle under this REP, the Area Office may conduct the inspections concurrently. If an unprogrammed inspection is initiated at a facility that falls under the criteria of this REP, the inspection will be expanded to include a comprehensive inspection of the facility under this REP, unless it has had a comprehensive inspection within the past 60 months.
- C. In the event a Non-Formal Complaint is received by the Area Office involving a hazard associated with this Instruction, the Area Office will refer to guidance set forth in the Field Operations Manual, Chapter 9: Complaint and Referral Process in determining whether the Non-formal Complaint warrants an inspection.

- XI. Outreach:** Each Area Office continues to provide outreach on amputation, combustible dust and engulfment hazards associated with the grain handling industry. Outreach has been in the form of speeches, training seminars, newsletters to groups identified by the Compliance Assistance Specialist (CAS) and CSHOs.
- XII. OIS Coding:** Inspections conducted under this REP will be identified in the OSHA Integrated Information System (OIS) as follows:
- A. The OIS Inspection Form for any programmed inspection scheduled under the procedures in this REP shall be marked “Programmed Planned” in the *Initiating Type* block. In the *Local Emphasis Program* block select the code “GRAIN”.
 - B. The OIS Inspection Form for any unprogrammed inspection scheduled under the provisions of the FOM for relating to complaints, referrals requiring inspection, imminent danger and fatality/catastrophe investigations will be coded as normally required under the FOM. In addition, the designation "GRAIN" will be recorded in the *Local Emphasis Program* block.
 - C. Inspections initiated by a targeted list will be coded as “Programmed.” Inspections initiated by compliance officers regarding fall hazards will be coded as “Programmed”. Inspections initiated as a result of accidents, fatalities, catastrophes, complaints, or referrals will be coded as “Unprogrammed.” In all cases, the appropriate Strategic Plan Activity code will be selected in the *Strategic Plan Activity* box and the code “GRAIN” will be entered.
- XIII. 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