



OSHA REGIONAL NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

| | |
|---|----------------------------------|
| DIRECTIVE NUMBER: 2018-05 | EFFECTIVE DATE: 6/13/2017 |
| SUBJECT: Regional Emphasis Program – Warehousing and Refuse Handlers and Haulers | |
| REGIONAL IDENTIFIER: Region 2 | |

ABSTRACT

- Purpose:** This regional notice continues to implement a Regional Emphasis Program for programmed safety inspections of Warehousing, Storage and Distribution industries, and Waste Management, Recycling Operations and Refuse Haulers (NAICSs, 312111, 312112, 424410, 424420, 424420, 424430, 424450, 424460, 424470, 424480, 424490, 424520, 424590, 424810, 424820, 425110, 425120, 444220, 445110, 445210, 445220, 445230, 445292, 445299, 445310, 445310, 453910, 454390, 493110, 493120, 493130, 493190, 531130, 562111, 562112, 562119, 562211, 562212, 562213, 562219 and 562920).
- References:** CPL 02-00-160, Field Operations Manual (FOM), 8/2/2016.
CPL 04-00-001, Procedures for Approval of Local Emphasis Programs (LEPs), 11/10/1999.
CPL 02-00-025, Scheduling System for Programmed Inspections, 01/04/1995.
CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act, 5/28/1998.
- Cancellations:** This notice cancels Regional Emphasis Program – Warehousing and Refuse Handlers and Haulers, 2017 – 05 (CPL 2).
- Expiration:** This notice expires September 30, 2018.
- State Impact:** None
- Action Offices:** All Region II Area Offices
- Originating Office:** Office of Regional Administrator
- Contact:** Office of the Regional Administrator (212)337-2378
201 Varick Street, Rm 670
New York, NY 10014

By and Under the Authority of

Robert D. Kulick
Regional Administrator

- I. Purpose. This regional notice continues to implement a Regional Emphasis Program (REP) for programmed safety inspections of Refuse Handlers and Haulers (NAICSs codes: 562111, 562112, 562119, 562211, 562212, 562213, 562219 and 562920) and Warehousing, Storage, and Wholesale Distribution Industries (NAICS codes: 312111, 312112, 493130, 493120, 493110, 531130, 493190, 424410, 425110, 425120, 445110, 424420, 454390, 424430, 445299, 424420, 445210, 424450, 445292, 424460, 445220, 424470, 424480, 445230, 424490, 453910, 424520, 424590, 444220, 424810, 445310 and 424820) with 11 or more employees in accordance with the Field Operations Manual (FOM) and CPL 04-00-001. These work sites may not be included in the present national targeting system. Additionally, this REP provides for simultaneous outreach efforts for these NAICS codes, concurrent with the initiation of enforcement activities.
- II. Scope. This notice applies to all Region II Area Offices.
- III. Expiration. This notice expires on September 30, 2018.
EXCEPTION: Any inspection begun prior to September 30, 2018 may continue until its conclusion.
- IV. Background. Employees in the above-subject industries are exposed to many serious safety hazards, including being struck-by, caught-in, caught-between, and falling-off, various heavy equipment, process equipment, motor vehicles, powered industrial trucks, and refuse handling equipment and conveyors.

In addition to the permanent employees found at the establishments, recent inspection reports and activity has identified the use of temporary workers in many of the above listed industries. Temporary workers are more vulnerable to workplace safety and health hazards as they are often not given adequate safety and health training, equipment, and explanation of their job tasks and duties.

Refuse Handlers and Haulers and Recycling: (NAICS Codes 562111, 562112, 562119, 562211, 562212, 562213, 562219 and 562920) Data indicates that workers continue to die in incidents related to refuse collection activities, waste hauling, waste transfer operations and refuse handling, and recycling operations. The number of annual fatalities has remained fairly constant over the years, indicating the need for continuing emphasis on this hazard. Bureau of Labor Statistics reported that in 2015 there was a final report of 67 fatalities in waste management and remediation services. There were 4.5 total recordable cases per 100 full time workers, higher than the 3.0 per 100 workers reported for all private sector industries.

Warehousing, Storage and Distribution: This REP also targets for inspection establishments in the warehousing, storage, and wholesale distribution industries (NAICS codes: 312111, 312112, 493130, 493120, 493110, 531130, 493190, 424410, 425110, 425120, 445110, 424420, 454390, 424430, 445299, 424420, 445210, 424450, 445292, 424460, 445220, 311612, 424470, 424480, 445230, 424490, 453910, 424520, 424590, 444220, 424810,

445310 and 424820) There is a need for increased enforcement activity in this industry as indicated by the fact that of targeted industry sites within the Region, a significant number are warehouses, and employees in these workplaces who perform these warehousing operations are potentially exposed to the hazard of being struck-by material handling equipment such as powered industrial trucks and order picking equipment, and being struck-by, caught-in, crushed by motor vehicles, and/or motor vehicle related operations. . Bureau of Labor Statistics reported that in 2015 for Warehousing and Storage, NAICS code 493, there was a final report of 11 fatalities. There were 5.0 total recordable cases per 100 full time workers, higher than the 3.0 per 100 workers reported for all private sector industries.

Since virtually all employers in the above-subject industries are known to use and operate motor vehicles, heavy equipment, powered industrial trucks and other power mechanized material handling and equipment, in their goods transfer operations; inspections conducted under this REP are expected to help control all above-mentioned hazards associated with such use. The ultimate aim of this REP is to reduce the number of occupational injuries and fatalities which result. Further, implementation of this REP supports the current Strategic Management Plan goals to reduce injuries, illnesses, and fatalities in general industry.

- V. Action. The Area Director shall ensure that the procedure outlined in this notice is followed during the effective period of this notice. This notice is not intended to conflict with inspection priorities as established in the Field Operations Manual or other appropriate directives. When an inspection is not conducted because the employer has refused entry, a warrant shall be sought in accordance with the current procedures for handling such refusals.
- VI. Procedures.
- A. The Area Director shall be responsible for developing the final list of inspection sites for this initiative. First, a list shall be obtained from our National Office of Statistics which includes all refuse handlers and haulers, transfer stations, and adjacent warehousing operations plus other warehousing, storage and wholesale distribution locations in the respective Area Office jurisdiction. The Area Director then has the ability to add or delete other sites for inspection based on local knowledge and/or gathered from available sources, i.e.: OIS Data, telephone books, sightings, and other relevant literature.
- B. When performing programmed inspections under this REP, each Area Office shall develop an inspection master list of establishments. The National Office policy on List Generation and Randomization shall be followed in accordance with the National Office memorandum to Regional Administrators dated November 12, 2014, *Establishment-Targeting Lists for Emphasis Programs*. Inspection scheduling and deletions shall be done in accordance with CPL02-00-025, *Scheduling System for Programmed Inspections*.
- C. Any inspection sites which have had a previous comprehensive safety and health inspection within the past three years will then be deleted prior to finalizing the inspection list. After deleting establishments inspected (comprehensive) within the

last three (3) years, all remaining establishments shall be randomly selected for inspection using a random numbers table applied to the final list. This selection process sets forth administratively neutral criteria to identify establishments for inspection.

- D. All inspections conducted under this REP will be comprehensive. (Please see comprehensive in scope as defined in the Field Operations Manual (FOM) in Chapter 3. III. A. : “Comprehensive - A substantially complete inspection of the potentially high hazard areas of the establishment. An inspection may be deemed comprehensive even though, as a result of the exercise of professional judgment, not all potentially hazardous conditions, operations and practices within those areas are inspected.”)
- E. Any refuse handler and hauler observed not adhering to safety rules will be inspected in accordance with the Imminent Danger and referral procedures.
- F. If the establishments identified by this REP are inspected before they have been reached on the SST list the inspection will be coded as an SST and an REP case.
- G. Establishments for inspection may fall within the scope of the current with the directive, CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*.
- H. At the opening conference compliance officers shall obtain the necessary information regarding the presence and/or use of temporary workers. If temporary workers are present or utilized at the establishment the compliance officer shall obtain all the necessary documentation and information required to evaluate the safety and health program relating to temp workers and determine compliance with OSHA regulations in providing a safe and healthful workplace for these workers. The compliance officer shall refer to the current National Office guidance found on the Temporary Worker Page to conduct these inspections.

VII. Outreach:

During the course of this renewal LEP/REP the Area Director will continue to ensure that the ongoing outreach program will remain in effect during the enforcement phase of the program. Outreach activities will continue to be directed to reach as many stake holders in the Area Office’s jurisdiction as is practicable. Stakeholder such as members of the ASSE, AIHA, Unions, and Chambers of Commerce, will be notified and the purpose of the outreach will be to inform interested parties of the existence, purpose and objectives of this emphasis program as well as promote employer knowledge and employee awareness of the hazards and acceptable methods of abatement to prevent illness and injuries. The method of outreach is at the Area Director’s 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).
5. Media press release or e-blast

VIII. Recording in OIS. Current instructions for completing the appropriate inspection classification boxes on the OSHA Inspection Report, as found in the OIS manual shall be applied when recording inspections conducted under this REP, as follows:

- C. The OSHA Inspection Report for any programmed inspections covered under the Regional Emphasis Program for Refuse Handlers and Haulers shall be marked "Program Planned" in the Initiating Type field, and "REFUSE" in the Regional Emphasis Program field.
- B. REP Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with this REP for Warehousing Operations, Refuse Handlers and Haulers and, waste transfer operations, or recycling operations which are adjacent to refuse operations included under this initiative, the OSHA Inspection Report must be marked with the appropriate unprogrammed activity in the Initiating Type field. In addition, the value "REFUSE" or "FORKLIFT", as appropriate, shall be recorded in the Regional Emphasis Program field.
- C. REP Combined with other Emphasis Program Inspections. For all programmed inspections such as other NEPs/REP/LEPs conducted in conjunction with an REP inspection under this initiative, the OSHA Inspection Report must be marked as "Program Planned" in the Initiating Type field. In addition, the value "REFUSE" shall be recorded in the Regional Emphasis Program field along with all NEP and LEP OIS codes applicable to the inspection.

The OSHA Inspection Report for any programmed inspection covered under this Regional Emphasis Program for any other Warehousing, Storage, and Wholesale Distribution Industries shall be marked "Program Planned" in the Initiating Type field and the value "FORKLIFT" shall be recorded in the Regional Emphasis Program field.

IX. Evaluation.

- A. Abatement documentation/verification will be submitted to or otherwise collected by the Area Office for all violations. The abatement information must be included in the case file in a timely manner.
- B. Each Region II Office participating in the REP will prepare a written evaluation of this REP in the format specified by OSHA Instruction CPL 04-00-001. The evaluation must respond to the questions outlined in Appendix A of the Instruction. Evaluations will be submitted to EP no later than September 15, 2018. The evaluation will include a recommendation for the continuation or elimination of this program. In addition, the evaluation will include the following evaluation factors:
 1. The goal of the program and the Area Office's opinion of how effective the program was in meeting its goals.

2. Data and information used to support the conclusions stated above such as enforcement statistics, serious hazards eliminated, any impact on covered, non-inspected employers, and the number of employees affected by enforcement activities covered by the REP. Data to be evaluated may also include:

- a. Number and percentage of serious, repeat, 5(a)(1) and willful violations cited
- b. Number and type of violations issued directly related to hazards targeted by the REP
- c. Number of fatality inspections
- d. Number of visits coded as "No Inspection"
- e. Number and type of referrals made to other agencies
- f. Number of outreach activities conducted
- g. Number of employers contacted through outreach
- h. Number of individuals affected through outreach